

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 13-cr-30042-DRH
)
 CHRISTOPHER HORTON,)
)
 March 7, 2014
 Defendant.)

TRANSCRIPT OF PROCEEDINGS
SENTENCING
BEFORE THE HONORABLE DAVID R. HERNDON
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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1 **(Court convened)**

2 THE COURT: Let the record reflect that we're in
3 open court. We've called the matter of *United States of*
4 *America vs. Christopher Michael Horton*, Case No. 13-30042.
5 Government present, represented by Assistant United States
6 Attorney Ally Summers. Good morning, Ms. Summers.

7 MS. SUMMERS: Good morning, Your Honor.

8 THE COURT: Defendant's present in court together
9 with his counsel Thomas Gabel. Good morning, Mr. Gabel.

10 MR. GABEL: Good morning, Your Honor.

11 THE COURT: Good morning, Mr. Horton.

12 We've called this case for the purpose of
13 sentencing. That means that the Court will examine this
14 case pursuant to 18 United States Code, Section 3553(a), in
15 order to determine an appropriate sentence. In doing so,
16 the Court will consider all appropriate and relevant factors
17 in order to arrive at individualized sentence for
18 Mr. Horton. There will be a thorough adversarial test
19 before the Court, contemplated by the federal sentencing
20 procedure, and, of course, the Court will grant adequate
21 time to both sides the accomplish that task.

22 The Supreme Court directs the sentencing judge to
23 examine and treat the Sentencing Guidelines, which have been
24 promulgated by the United States Sentencing Commission, as
25 the, "starting point and the initial benchmark". The Court

1 is prohibited by law, however, from presuming the
2 reasonableness of a guideline sentence, and will not do so.
3 Sentencing Guidelines are considered to be considered by
4 this Court as advice. Once the Court determines what the
5 guidelines are and what advice, therefore, the Commission
6 has given to this Court, it must determine whether, based on
7 a close examination of the sentencing statute which I
8 mentioned previously, whether that advice is sound in this
9 case for Mr. Horton or whether the Court should reject that
10 advice and vary from the guidelines, which in this case
11 would be a variance below the guidelines since there is no
12 room above the guidelines.

13 Although in the *Gall* case, the Supreme Court has
14 instructed sentencing Courts who choose to vary from the
15 guidelines to adequately explain any such variance from the
16 guidelines. In the words of the *Gall* court, the sentencing
17 judge, "must consider the extent of the deviation and insure
18 that the justification is sufficiently compelling to support
19 the degree of the variance." Court will consider any
20 aggravating or mitigating evidence or arguments put forth by
21 the parties.

22 In that regard, the Court has received and has read
23 the sentencing memoranda filed by each of the parties,
24 together with the letters which have been filed by each of
25 the parties, and has examined the DVD submitted by the

1 prosecution as well. I have considered each of these items.
2 I will continue to consider each of them throughout the
3 sentencing hearing and will analyze -- take them into
4 consideration as I analyze the sentence in this case. I
5 also have, for purposes of this hearing, and to disclose to
6 the parties, considered the policies of the Bureau of
7 Prisons with respect to its sex offender management program
8 because, of course, there are arguments by the parties with
9 respect to -- particularly by the Defendant with respect to
10 treatment considerations for the Defendant.

11 So as we proceed, let me ask you, Mr. Horton:
12 There was a Presentence Report prepared in this case, as
13 there is in all cases. The last iteration, if you will, of
14 the Presentence Report was disclosed on February the 27th.
15 Have you received each of the iterations of the Presentence
16 Report, Mr. Horton?

17 *THE DEFENDANT:* Yes, Your Honor.

18 *THE COURT:* And did you take the time, Mr. Horton,
19 to read carefully and thoroughly through each of the
20 Presentence Reports, in particular the last revision?

21 *THE DEFENDANT:* Yes, Your Honor.

22 *THE COURT:* Did you go over the Presentence Reports
23 with Mr. Gabel, your lawyer?

24 *THE DEFENDANT:* Yes, Your Honor.

25 *THE COURT:* And as a result of that process,

1 Mr. Horton, do you understand the Presentence Report?

2 *THE DEFENDANT:* Yes, Your Honor.

3 *THE COURT:* Very well. Mr. Gabel, any objections
4 you want to make me aware of on behalf of your client?

5 *MR. GABEL:* No objections, Your Honor.

6 *THE COURT:* Very good. Ms. Summers, on behalf of
7 the Government, any objections to the Presentence Report?

8 *MS. SUMMERS:* No objections, Your Honor.

9 *THE COURT:* Very well. So without any objections
10 to the Presentence Report, and having gone through the
11 Presentence Report myself, the Court adopts the findings of
12 the probation officer contained within the Presentence
13 Report. I note that Mr. Horton pled guilty to six counts in
14 this case: Counts 1 through 5, sexual exploitation of a
15 minor pursuant to 18 United States Code, Section 2251(a),
16 and Count 6, attempted exploitation, sexual exploitation, of
17 a minor, pursuant to the same statutory section, Class B
18 felonies.

19 The probation officer has gone through the
20 guideline calculation for us and published this on page 9 of
21 the Presentence Report, and I will run through this
22 calculation for us. This is fairly complicated so let me
23 just go through this step-by-step as carefully as I can so
24 that everybody can understand how we get to the ultimate
25 advice of the Sentencing Commission. We focus -- or we

1 utilize the 2013 edition of the guidelines manual. That is
2 one that is currently in effect, and, therefore, the proper
3 one to use. There's no ex post facto issue here.

4 Counts 1 and 2 are grouped together for initial
5 calculation. This has to do with the person who has been
6 noted as Minor No. 1. The focus within the manual is on
7 Section 2G2.1, wherein the Commission advises that a Base
8 Offense Level 32 be used, and it is. The offense involved a
9 minor who had not yet attained the age of 12, and so
10 subsection (b)(1)(A) advises that the Court increase the
11 offense level by four for a specific offense characteristic,
12 and it will be.

13 Next, the offense involved the commission of a
14 sexual act or sexual conduct -- in this case, oral sex --
15 and, therefore, subsection (b)(2)(A) advises that the Court
16 increase the offense level by two, and it will be.
17 Subsection (b)(5) of the aforementioned section advises that
18 because the victim was otherwise in the custody, care, or
19 supervisory control of the Defendant due to his employment
20 as a karate instructor, that another two levels be added to
21 the offense level, and it will be. So the adjusted offense
22 level for that group is a 40.

23 The next grouping relates to Minor No. 2, Counts 3
24 and 4, and they're grouped together for purposes of this
25 calculation. Once again, 2G2.1 advises a Base Offense Level

1 32 be used, and it will be. Once again, the minor was under
2 the age of 12, this one being 6, so the guideline advises
3 that four levels be increased -- that the offense level be
4 increased by four, rather, and it will be. Once again,
5 because it involves oral sex, two levels will be added by
6 the advice of the Commission. Again, another two levels
7 because of the Defendant's position as a karate instructor
8 and the victim being within his care, custody, or
9 supervisory control. But on this occasion another two
10 levels are added because the offense involved the use of a
11 computer or interactive computer service to solicit
12 participation with a minor in sexually explicit conduct,
13 this pursuant to subsection (B)(ii). So the adjusted
14 offense level for this grouping is a 42.

15 The next group relates to Count 5, Minor No. 3.
16 Once again, we begin with a Base Offense Level 32, add four
17 levels because the minor is under the age of 12, being 7
18 years old. The first grouping, I forgot to mention the
19 minor was 10, by the way. This one was 7, so we add four
20 levels. We then add two levels for the sexual contact,
21 which was oral sex again. We add two levels because the
22 minor was in the Defendant's care, custody, or supervisory
23 control as a karate instructor, so this sub grouping has an
24 adjusted offense level of a 40.

25 We then get to the last grouping, which is Count 6,

1 Minor No. 4, we again begin with a Base Offense Level 32.
2 We add four for the age of the minor, under 12, age 7. Add
3 two for the attempted sexual contact, display of the
4 genitals. We add two for the victim being within the care,
5 custody, supervisory control of the Defendant as his karate
6 instructor. So once again, the adjusted offense level for
7 this grouping is a 40.

8 So Group 1 was a 40; Group 2 was a 42; Group 3 was
9 a 40; Group 4 was a 40. They all count as one unit. Total
10 number of units is four. The greater of the offense levels
11 of the different -- of the four groups was the 42, if you'll
12 recall. We take the four units, which added up to four; we
13 add that to that 42; we come up with a 46.

14 We look to Chapter 4 under 4B1.5(b)(1) because the
15 Defendant engaged in a pattern of activity involving
16 prohibited sexual conduct. The Commission advises that the
17 Court add five levels, and it will. We're now at a level
18 51. The Defendant, however, did -- or has, rather, accepted
19 his responsibility in this case. So under 3E1.1(a), two
20 levels are removed. Now we're down to 49.

21 Ms. Summers, the Government can increase that
22 reduction by one by way of a motion before the Court. Does
23 the Government so move?

24 MS. SUMMERS: Yes, Your Honor, we do move for that
25 one-level reduction.

1 THE COURT: Very well. That motion, of course, is
2 granted, and so we're now down to an offense level of 48;
3 however, the guideline doesn't go as high as a 48. The
4 guideline only goes as high as a 43. So pursuant to
5 Chapter 5, part A, Comment 2, in the rare instance where the
6 Defendant's total offense level is in excess of 43, the
7 Commission guides the Court to reduce the offense level down
8 to a 43, which is as high as the guideline goes and as high
9 as the advice of the Commission supplies this Court.

10 The other part of the equation, in order to
11 determine the advice from the Commission, is to examine the
12 Defendant's criminal history. He has none. He has zero
13 criminal history points, which means that the Defendant's
14 criminal history category is a 1.

15 So the Commission's advice to this Court is, with a
16 total offense level 43, criminal history category 1, that
17 the Court incarcerate the Defendant for his life; that
18 supervised release, should the Defendant be released from
19 prison, be from a period of time five years to life; that
20 there be no probation for the Defendant; that there be a
21 fine range of 25,000 to 250,000. Restitution I'll speak of
22 in a moment. The Special Assessment I'll speak of in a
23 moment.

24 Now, there is the matter of the statutory treatment
25 in this case, and that is this: A minimum of 15 years,

1 maximum 30 years for each of the Counts 1 through 6. So
2 when one is wondering how to deal with the Commission's
3 advice of life, the guidelines provide that if there's a
4 statutory maximum that does not reach life, the guidelines
5 advise the Court to stack the counts to reach life. In
6 other words, give the Defendant consecutive sentences in
7 order to follow the advice of the Commission. Supervised
8 release statutorily, Counts 1 through 6, 5 years to life.
9 Probation is simply not available to the Court for this
10 Defendant by statute. Fine range, no more than a quarter
11 million dollars for each count, the exposure to the
12 Defendant being one-and-a-half million dollars.

13 There is restitution in this case, what is reported
14 to me as a total of \$3,250, divided in various amounts to
15 the victims' families. There's a Special Assessment, each
16 federal felon must pay \$100 per count. There's six counts
17 here, so the Defendant will be ordered to pay \$600 in
18 Special Assessments.

19 So as we started this hearing out, I said the
20 obligation of the Court is to determine whether to follow
21 the advice of the Commission, which in this case is life, or
22 whether to -- determine whether to reject that advice and
23 impose a sentence at a point somewhere less than this
24 Defendant's life in prison. In order to do that, I have to
25 examine the statutory factors, which include nature and

1 circumstances of the offense, history and characteristics of
2 the Defendant; need for the sentence imposed to reflect the
3 seriousness of the offense, promote respect for the law,
4 provide just punishment for the offense; need to afford
5 adequate deterrence to criminal conduct; need to protect the
6 public from further crimes of the Defendant; need to
7 consider the kinds of sentences available, which in this
8 case is only incarceration; consider the advisory Sentencing
9 Guidelines, which is to consider the advice the Commission
10 has given us, or given the Court, which I've just gone
11 through, and any other policy statements the Commission has
12 in place or about to be in place; the need to avoid
13 unwarranted sentencing disparities among Defendants
14 everywhere, similarly situated; keeping in mind the
15 Congressional directive for the Court to impose a sentence
16 that is sufficient but not greater than necessary in order
17 to comply with the objectives of the sentencing statute,
18 those that I've just outlined for everyone.

19 So in order to continue with this analysis by going
20 through those factors and applying the evidence in
21 aggravation, evidence in mitigation, including the things
22 I've already mentioned that I have received and considered
23 and continuing to consider, including the memoranda of each
24 party and the letter that I've received, as well as that
25 DVD, we'll turn first to Ms. Summers for the Government's

Direct - David Vucich

1 presentation.

2 MS. SUMMERS: Thank you, Your Honor. I would like
3 to call Agent David Vucich to testify.

4 DAVID VUCICH, GOVERNMENT'S WITNESS, SWORN

5 DIRECT EXAMINATION

6 QUESTIONS BY MS. SUMMERS:

7 COURTROOM DEPUTY: Please be seated and state and
8 spell your name for the record.

9 THE WITNESS: David Vucich, V like victor,
10 U-C-I-C-H.

11 Q. (By Ms. Summers) Agent Vucich, where are you employed?

12 A. Madison County Sheriff's Office in Edwardsville,
13 Illinois.

14 Q. How long have you been employed there?

15 A. Since November 1997.

16 Q. And what are your current duties with the sheriff's
17 department?

18 A. I'm a lieutenant in the investigative division. I run
19 the forensic computer crime unit there.

20 Q. Do you have additional duties in your job?

21 A. Yes, I do.

22 Q. And what is that?

23 A. I'm assigned to the FBI cyber crimes task force out of
24 Fairview Heights, Illinois.

25 Q. How long have you been doing that?

Direct - David Vucich

1 A. I believe since 2006.

2 Q. And what do your duties entail in that capacity?

3 A. Interviewing of suspects involved in child exploitation
4 and the analysis of digital media.

5 Q. And in the course of your duties, were you assigned as
6 the lead case agent in the investigation of this Defendant,
7 Christopher Horton?

8 A. Yes, I was.

9 Q. When did your investigation begin?

10 A. On February 11th, 2013.

11 Q. And how did you receive that -- how did you begin your
12 investigation?

13 A. We received information from St. Louis County Police
14 Department about an individual that may possibly possess
15 child pornography on his cellular telephone. That
16 information was relayed to them by the Defendant's mother,
17 who confided in her boyfriend. He, in turn, contacted
18 authorities.

19 Q. And how did you proceed then with your investigation?

20 A. We contacted him, obtained a statement from him, and in
21 furtherance of his statement, we contacted the Defendant's
22 mother.

23 Q. And did you interview her?

24 A. Yes.

25 Q. And when you interviewed her, what, if anything, did she

Direct - David Vucich

1 say?

2 A. We were able to glean information that she had observed
3 her son, Christopher Horton, observed in sexual activities
4 with people who she personally knew, and that her son was a
5 karate instructor, and that he had performed acts on this
6 individual who he taught karate to.

7 Q. Did she indicate that the person in the video was a
8 minor?

9 A. Yes.

10 Q. And did you eventually make contact with the Defendant
11 in this case?

12 A. Yes, we did.

13 Q. Was he arrested that day?

14 A. Yes. We requested the assistance of Belleville Police
15 Department to immediately take him into custody.

16 Q. Did you interview him?

17 A. Yes.

18 Q. And was that interview video and audio recorded?

19 A. Yes, it was.

20 Q. Just generally what did the Defendant say about these
21 allegations?

22 A. He admitted that they were true and he admitted that
23 there would be evidence on his cellular telephone to suggest
24 that they were true, evidence that he was involved in sexual
25 acts with three different victims.

Direct - David Vucich

1 Q. Did he say how he knew these victims?

2 A. Yes.

3 Q. What did he say?

4 A. He said he knew them because he taught them karate. He
5 was their instructor.

6 Q. Did he tell you where he had committed these acts with
7 these minors?

8 A. Yes, he did.

9 Q. And where did he say these acts occurred?

10 A. They occurred at 1408 Ash Street in Highland, which was
11 his residence, and they also occurred at the Three T's
12 Karate Studio in Belleville, Illinois.

13 Q. Did he indicate where in the karate studio he committed
14 these acts?

15 A. Yes. There was a room in the -- a small room that is in
16 the back portion of the room that's kind of an open floor
17 plan, but immediately to that open floor plan is a solitary
18 room with a see-through window, two-way mirror.

19 Q. Okay. And then he admitted committing sexual acts
20 against a third minor. Where did he say those acts had
21 occurred?

22 A. Those acts had occurred while he was out of state in
23 San Antonio, Texas area at that minor's residence.

24 Q. While he was staying with them?

25 A. Yes.

Direct - David Vucich

1 Q. Did he indicate how long he stayed with that family when
2 those acts occurred?

3 A. I believe it was for several days.

4 Q. A week or less?

5 A. Yes.

6 Q. And I do believe that the Court has been well-versed on
7 the facts of this case so I'm not going to ask you to go
8 into all of the facts, but I do have some -- few more
9 specific questions about the case. As part of your
10 investigation, did you sieze any digital media from the
11 Defendant?

12 A. Yes.

13 Q. What did you take?

14 A. We siezed his I-Phone, which is a cellular telephone.
15 We also siezed his computer laptop, which was an Alienware
16 laptop.

17 Q. He had that on him when he was arrested?

18 A. That's correct.

19 Q. As well as his I-Phone?

20 A. Yes.

21 Q. Did you complete a forensic examination of the I-Phone
22 as well as the laptop and hard drive?

23 A. Yes. Myself and Detective Brian Kaberna [ph.], who's
24 also in the forensic unit.

25 Q. Could you explain what a forensic analysis is.

Direct - David Vucich

1 A. Yes. It's the examination of digital media in such a
2 manner that the media is extracted without altering so it
3 can later be presented to the Court.

4 Q. During your forensic examination did you recover any
5 images containing child pornography on the Defendant's
6 phone?

7 A. Yes.

8 Q. And what did you recover?

9 A. There were over 300 images of child pornography. We
10 were able to identify those victims and those victims were
11 named in the subsequent indictments.

12 Q. And for the record, these will be referred to as Minors
13 1, 2, and 3, is that correct?

14 A. Yes, ma'am.

15 Q. And those were image files, correct?

16 A. Yes.

17 Q. Did you recover any video files?

18 A. Yes.

19 Q. And approximately how many video files did you recover?

20 A. Conservatively speaking, because they were segmented
21 videos, there were approximately 87.

22 Q. 87 videos?

23 A. Yes.

24 Q. And in these videos can you see the face of the minors
25 that the Defendant had identified?

Direct - David Vucich

1 A. Yes, in some of them you could.

2 Q. Approximately 38 of those videos, is that fair to say?

3 A. I would say that's a fair assessment, yes.

4 Q. And that was of Minors 1, 2, and 3, correct?

5 A. Yes.

6 Q. And then in the course of your analysis of your
7 examination did you identify a fourth victim?

8 A. Yes, I did.

9 Q. And did you identify who that fourth victim was?

10 A. Yes, ma'am.

11 Q. And that victim is now referred to as Minor 4, correct?

12 A. Yes.

13 Q. Based on the forensic examination of the Defendant's
14 phone, were you able to tell from the videos where these
15 sexual -- these acts of sexual abuse had occurred?

16 A. Yes, I was.

17 Q. And where had they occurred, according to the data that
18 you received off of the videos on the phone?

19 A. One of them appeared to have occurred in a public
20 restroom. Several of them occurred at the Defendant's
21 residence, and others occurred at the Three T's karate
22 studio while there were actually live sessions going on.

23 Q. And were there any that occurred in Texas?

24 A. Yes.

25 Q. And that was with regard to Minor 3?

Direct - David Vucich

1 A. That is correct.

2 Q. Could you -- you did describe the martial arts studio
3 where the Defendant worked and where he admitted that this
4 occurred. I'm going to show you what's been marked as
5 Government's Exhibit 4. Is that coming up for you?

6 A. Yes, ma'am.

7 Q. And can you please describe what this is.

8 A. That is a picture of the inside of the Three T's karate
9 studio in Belleville, Illinois. It's kind of an overall
10 snapshot of the actual studio itself. As previously stated,
11 depicts the small room to the left with the two-way mirror.

12 Q. Okay. Can you -- so this right -- right here, that's
13 the mirror?

14 A. Yes, where your pen is pointing to, that's correct.

15 Q. And would you say a mirror or a window?

16 A. I would say window.

17 Q. It's -- okay. Are you able to see out but not see in?

18 A. Yes, that's correct, I believe.

19 Q. And then there's a door to that room?

20 A. Yes.

21 Q. And that door -- and the door can close and lock, is
22 that correct?

23 A. Yes, to the best of my knowledge.

24 Q. And then over here on the other side, is this the
25 entrance to the studio, or one of the entrances?

1 A. I'm not sure if that's the main entrance or the entrance
2 is directly behind you.

3 Q. Right outside of this is the main area of the studio
4 where classes are held, is that correct?

5 A. Yes, ma'am.

6 Q. And does this photograph fairly and accurately depict
7 the Three Tigers studio in Belleville?

8 A. Yes, it does.

9 MS. SUMMERS: Move to admit Government's Exhibit 4.

10 THE COURT: Any objection?

11 MR. GABEL: No objections.

12 THE COURT: Admitted.

13 **(Government's Exhibit No. 4 admitted)**

14 Q. (By Ms. Summers) So the room depicted in that picture, is
15 that the room that the Defendant described as the place that
16 these acts of sexual abuse had occurred with Minors 1, 2, and
17 4?

18 A. Yes.

19 Q. During your forensic examination of the Defendant's home
20 did you find any evidence that would indicate preplanning on
21 the part of the Defendant?

22 A. Yes, I did.

23 Q. And what did you find?

24 A. I examined parts of the cellular telephone, in addition
25 to Detective Kaberna [ph.], and we were able to locate a

1 section which is commonly referred to as "Notes". Most
2 cellular devices or portable devices have an application
3 that allows you to type letter or words in in free form as a
4 form of reminders or possibly things to do.

5 Q. And what did you find in that section?

6 A. I found notes that he was talking about basically in his
7 own words what appeared to be how to molest children.

8 Q. I'm going to show you what's been marked as Government's
9 Exhibit 2. Can you tell me what that is?

10 A. Yes. This is a printed page from one of our forensic
11 reports. It is generated from the Notes section which I
12 previously referred to.

13 Q. And at the bottom of the -- it's two pages, correct?

14 A. Yes.

15 Q. And at the bottom of the first page there is an entry.
16 It's labeled 22. Does it have a title?

17 A. Yes. It has a title under the summary section.

18 Q. And what does -- what is the title?

19 A. *What is clubbing? Drugs, naked, alcohol, dancing, FIG.*

20 Q. And what is the date of that entry?

21 A. The creation date is 11/29/2012.

22 Q. And if you would, please, could you read what that entry
23 says.

24 A. Yes.

25 *Review, what is clubbing? Drugs, naked,*

Direct - David Vucich

1 alcohol, dancing, fights. What drugs should you
2 really stay away from? Puberty. What is gay,
3 straight, bi? Most people are bi. Most people are
4 bi and don't even realize it. It's normal to be bi.
5 I prefer boys over girls. What parts of your body
6 will change during puberty? Deeper voice, taller,
7 more hair, face and groin and butt. Wiener will grow
8 and change. Your balls will get bigger and it will
9 sometimes get hard and long but it goes back down.
10 Has that ever happened to you before yet? Well, if
11 not, it will. It's okay to play with it too. You're
12 supposed to. It feels really good, and in fact, you
13 play with it a lot, it will start to really feel good
14 and then you can do this thing called cum. White or
15 clear stuff comes out and it feels so amazing. It's
16 not pee, it's different, but it feels good and
17 everybody does it. If you haven't already, go ahead
18 and try it yourself sometime. You can tell me about
19 it too if you want. Let me know if you tried it in
20 the shower or when you're in bed with the covers over
21 you pretending to sleep. It feels really good
22 whenever you play with the tip too (show the motions
23 of how it should look). Play with it (jack off his
24 finger end). Next time we chat you can tell me about
25 it and let me know how good it feels. Give it a try.

Direct - David Vucich

1 *Everybody does it, they just don't talk about it, but*
2 *me and you can talk about anything, and let me -- if*
3 *you want. Give it a try and we can talk more about*
4 *it next time.*

5 *And then I have something new to talk to you*
6 *about next time that I bet you will like. You'll get*
7 *to know about it before any of our friends learn it*
8 *because you're so dang smart. I learned about it*
9 *when I was eight years old from another friend of*
10 *mine, but always give the jacking off thing a try and*
11 *do it as much as you can, and we will talk more about*
12 *that next time so you can let me know how it feels.*

13 *How's school? Are your grades picking up? I*
14 *want you to do great in life so keep those grades up.*
15 *It shows how smart you are and it will help you with*
16 *your college one day. You can go to college one day*
17 *like I am and learn more cool adult stuff.*

18 Q. Was there a second entry that you found on the
19 Defendant's I-Phone?

20 A. Yes.

21 Q. And was it the very next note or digital entry?

22 A. Yes.

23 Q. And what was the date of that entry?

24 A. Are you referring to No. 23?

25 Q. Yes. I'm sorry.

Direct - David Vucich

1 A. It appears it was created December 3rd, 2012.

2 Q. And could you please read what that entry says.

3 A. The top and the bottom portion?

4 Q. Just the bottom portion.

5 A.

6 *You are learning stuff that you aren't supposed*
7 *to know about until you're older. If anybody knew I*
8 *taught you this we would get in trouble because I'm*
9 *not something you -- it's not something you learn*
10 *until you're like 11 or 13. So Rule No. 1 is, keep*
11 *it a secret. Rule No. 2 is, use code names like*
12 *"meditate" and stuff like that. Rule No. 3, when*
13 *texting, only use code names. You can't say stuff*
14 *like "it went up"; otherwise, if your mom reads your*
15 *text, she will know. Got it?*

16 *All right. So you jacked off (or code name*
17 *"meditate") how many times so far? How did it feel?*
18 *Does it make you want to keep going? Nice! All*
19 *right. So remember, when you don't do long enough it*
20 *will do this thing called cumming. Code name is*
21 *"breathe". That's when it just took a moment when it*
22 *feels really, really super good, and then you stop*
23 *and it goes down. It does a jumpy thing too called a*
24 *flex. It looks like this (video).*

25 *Now let's talk about something called sex (code*

Direct - David Vucich

1 name "meditate level 2"). Sex is when two people
2 help each other feel good for fun, like a boy and a
3 boy that are really good friends. It feels good to
4 hug, right? And when you're -- someone brushes your
5 hair and you brush theirs. Well, "meditation level
6 2" is when you do things like jack off with your
7 friend or you play jack off for them. You can do a
8 lot of other things too in sex. I make them feel
9 good. If you suck on it, it feels better. And the
10 best feeling, 1, is something we can talk about
11 later. So "meditation level 1" is when you jack off,
12 and "breathing" is when you cum. "Meditation level
13 2" is sex. Got it? We can work on "meditation level
14 2" really quick but we can't get too far with it
15 today.

16 First, watch this (comic). Now, real quick, are
17 you wearing underwear or boxers? Let me see? See if
18 you will go to the bathroom. Take a picture (side
19 angle dick and balls). Hide phone.

20 MS. SUMMERS: Thank you. Government would move to
21 admit Exhibit 2.

22 THE COURT: Any objection?

23 MR. GABEL: No objections.

24 THE COURT: Be admitted.

25 **(Government's Exhibit No. 2 admitted)**

Direct - David Vucich

1 Q. (By Ms. Summers) In your analysis of the Defendant's phone,
2 did you find any evidence consistent with these code words such
3 as "meditate"?

4 A. Yes.

5 Q. What did you find?

6 A. As far as the investigation, what he told us, or in
7 addition to --

8 Q. What did you find on his phone that was consistent with
9 the use of these code words?

10 A. There were text messages that were found on his phone
11 exchanged between the victims where he was specifically
12 citing to "meditate" and "breathe", and remember his
13 instructions basically is what the Defendant was
14 communicating with the victim.

15 Q. And in particular, that was with regard to one of the
16 minors, correct?

17 A. Yes.

18 Q. Sometime after the Defendant was charged and detained in
19 this case, did you receive a letter that the Defendant had
20 sent while he was in the Clinton County jail?

21 A. Yes.

22 Q. And how did that come about?

23 A. I was in communication with the Clinton County jail,
24 which is an authorized federal holding facility for inmates
25 awaiting sentencing or their trial dates, and contact with

1 them was made to look at his phone calls and/or incoming,
2 outgoing mail, and eventually we received a 35-page letter
3 that was written by the Defendant.

4 Q. And you received that from the staff at the Clinton
5 County jail?

6 A. Yes, ma'am.

7 Q. And did you read that letter?

8 A. Yes, I did.

9 Q. I'm going to show you -- let me show you what's been
10 marked as Government's Exhibit 3. What is that?

11 A. This appears to be a 35-page handwritten letter by the
12 Defendant, Christopher Horton.

13 Q. Is that the letter that you received?

14 A. It appears to be, yes.

15 Q. And what is -- who is that letter addressed to?

16 A. "Dear Friends, Family, Readers".

17 Q. And I'm just going to call your attention to page 19 of
18 that letter. Could you please read for the Court the
19 highlighted section.

20 A. *I think I did what I did because I needed to see if I*
21 *could find myself. I didn't know why or what made me the*
22 *way I was or am. I needed someone like me to see if they*
23 *would grow to be like me one day. My theory was, if they*
24 *were introduced to it at a certain age, would they too be*
25 *sexually confused?*

Direct - David Vucich

1 MS. SUMMERS: Thank you. I move to admit
2 Government's Exhibit 2.

3 THE COURT: Any objection? Three you mean?

4 MS. SUMMERS: I'm sorry. Exhibit 3, right.

5 MR. GABEL: No objection.

6 THE COURT: Admitted.

7 **(Government's Exhibit No. 3 admitted)**

8 Q. (By Ms. Summers) In this case were you made aware that the
9 Defendant makes an argument with regard to his likelihood of
10 recidivism in this case?

11 A. Yes.

12 Q. And as a result of that, did you obtain additional --
13 information from the Bureau of Prisons about the number of
14 sexually dangerous persons petitions that are filed in the
15 Bureau of Prisons?

16 A. Yes. I received a chart, basically a statistical chart.
17 Certification Review Branch Report is what I'll refer to it
18 as.

19 Q. And you received that from legal counsel from the
20 Legislative and Correctional Issues branch of the Bureau of
21 Prisons?

22 A. I believe it was generated by Noreen Ahmed, and
23 eventually the report came to me, yes.

24 Q. I'm going to show you what's been marked as Government's
25 Exhibit 5. Could you tell me what that is?

Direct - David Vucich

1 A. Appears to be a printout of the -- I'll refer to it as a
2 chart, a statistical chart, from the Certification Review
3 Branch Reports, which was updated on March 1st of 2014.

4 Q. And according to that report, since October 2007, how
5 many sexually dangerous persons petitions have been
6 reviewed?

7 A. 46,137.

8 Q. According to that report, of those cases reviewed, how
9 many have been actually certified for commitment?

10 A. 52.

11 MS. SUMMERS: I have no further questions,
12 Your Honor.

13 THE COURT: Cross?

14 **CROSS-EXAMINATION**

15 **QUESTIONS BY MR. GABEL:**

16 Q. The Certification Review Branch Report, of the numbers
17 of cases, 46,137, you know what type cases they are?

18 A. The chart doesn't go into that much detail as far as
19 what type of cases.

20 Q. So you don't know if they were actual cases where
21 individuals were involved -- I mean touching was involved,
22 or what was involved there, do you?

23 A. Well, there's 46,000 cases, so it would be a daunting
24 task, I think, to figure out each case individually, so my
25 answer's no.

Cross - David Vucich

1 Q. That means, I think, that you don't know?

2 A. Yes, that's correct.

3 Q. Okay. So you don't have any idea what type cases these
4 are, do you?

5 A. No.

6 Q. So you have a chart that you don't really understand, do
7 you? All you know is 52 people were put in some sort of
8 program at the end of their sentence?

9 A. That's what the chart indicates, yes.

10 Q. Okay. When you spoke to my client after his arrest, he
11 admitted what he did, didn't he?

12 A. Not fully, no, he did not.

13 Q. Well, he told you all and you all recorded everything,
14 didn't you?

15 A. Yes.

16 Q. And you talked about segmented videos.

17 A. Yes.

18 Q. Segmented video is an incident, put it like that, cut
19 into segments. So it's one time period, is that the way it
20 works?

21 A. Sometimes, yes.

22 Q. Is that what you -- from what I believe you testified
23 to, that there were segmented videos that you saw, portions
24 of the incident in one video then continued on in another
25 video?

1 A. Yes, sir, that's correct.

2 Q. Okay. So it it was was not -- I forgot the number now.
3 How many segmented videos were there?

4 A. Are you referring to just what we found on the I-Phone
5 or the computer?

6 Q. Let's talk about the I-Phone.

7 A. Okay.

8 Q. How many?

9 A. Conservatively speaking, it was probably closer to a
10 hundred.

11 Q. And of which, one incident would have been segmented
12 into numerous sections?

13 A. That's fair to say, yes.

14 MR. GABEL: Okay. And the -- that's enough. Thank
15 you very much.

16 THE COURT: Redirect?

17 MS. SUMMERS: No, Your Honor. Thank you.

18 THE COURT: Thanks. You can step down. Next
19 witness.

20 MS. SUMMERS: I don't have any further witnesses,
21 Your Honor. The victims' families have asked to be heard in
22 this case by way of my reading of the victim impact
23 statements with regard to Victims 1, 2 -- or Minors 1, 2,
24 and 3. The father of Minor 4 would like to read their
25 statement.

1 THE COURT: Okay. This would be the time to do
2 that.

3 MS. SUMMERS: Victim impact statement from the
4 mother of Minor 1:

5 Judge Herndon: We have been asked to address
6 the Court on how this incident has affected us. I
7 cannot even begin to imagine -- to express in simple
8 terms or words how the actions of Christopher Horton
9 have destroyed my family and the illusion of goodness
10 and decency that I have always believed in and hoped
11 for in humankind.

12 My son is but a mere 10 years old. The only
13 things he should be worried about at this age are
14 scars, scrapes, or bruises from a fall after a bike
15 ride, not emotional scars that may never heal from
16 the monstrous things that were done to him by this
17 man.

18 My son looked up to Chris, in effect trusting
19 Chris both with his well-being and his innocence. I
20 trusted Chris. Many, many people trusted Chris.
21 Chris was an up and coming member of a close-knit
22 karate community and we all as a group entrusted our
23 children to Chris to teach and uphold the meanings of
24 integrity, loyalty, and honesty. We considered Chris
25 a friend, in essence, an extension of our family. To

1 *hold someone in that regard and to then find out that*
2 *everything you hold dear has been a lie, a ruse, a*
3 *deception, is beyond something that we can -- we are*
4 *able to comprehend, beyond something that we want to*
5 *think about as reality.*

6 *We, as a family, are sickened, horrified, and*
7 *broken that we will -- that we allowed our son to*
8 *spend any amount of time with Chris. We feel guilty*
9 *that we did not see any signs of molestation and*
10 *manipulation. We are mortified that we didn't*
11 *protect our son. We now have a 10-year-old boy that*
12 *we are not equipped to deal with, so we had to begin*
13 *counseling sessions with a child therapist.*

14 *There are days when our son is angry and*
15 *unresponsive and we can't reach him. We often walk*
16 *on eggshells, unsure of what he is thinking and*
17 *feeling. Is he reliving the nightmare daily? Is he*
18 *wondering that he's going to be in trouble for the*
19 *things that have happened to him? Is he scared every*
20 *day of his life? Will he ever be able to trust an*
21 *adult ever again? Does he blame us as his parents*
22 *for what happened to him?*

23 *The torture that he must have endured is almost*
24 *too much for us to bear some days, and I, as a*
25 *mother, cry many, many tears and spend many sleepless*

1 *nights wondering if we can make it through another*
2 *day. I can't eat as I should most days, as the*
3 *stress and worry are far more -- foremost in my mind*
4 *and consume my every waking thought. We had to*
5 *endure newspaper articles that talk of Chris and his*
6 *actions, and as members of the dojo, we are often*
7 *asked if we know who the victims are and if we know*
8 *any details of the incident. It's difficult to*
9 *maintain a normal life and keep things normal for our*
10 *son when we have had investigators calling and family*
11 *members calling. You never know if people are*
12 *looking at you funny because they have found out your*
13 *son was a victim or if they want to ask you if your*
14 *son was a victim or if they simply want to gossip. I*
15 *don't want my son to be treated differently because*
16 *of what happened to him, but I fear that someone will*
17 *treat him differently.*

18 *My mother instincts tell me to shield my son*
19 *from everyone and everything but I know that's not*
20 *realistic. We have to deal with what happened and we*
21 *have more -- we have to move on with our lives and*
22 *our future. We are trying every day to be as normal*
23 *as we can. I cannot let my son know that I am not*
24 *strong and cannot handle this. I cannot let this*
25 *monster take my little boy from me. And I will do*

1 everything in my power to make sure that my son grows
2 up to be a sweet, caring, trusting, loving -- or
3 kind, trusting individual. I need my son to know
4 that there are good, honest, decent people out there.
5 I need him to know that not everyone is evil and
6 deceptive.

7 If I could address Chris face-to-face, it would
8 be extremely difficult to speak to him. As the
9 mother of a victim of his actions, I want him to know
10 that I think that he is the worse type of criminal.
11 To be held in such highest esteem and to be a
12 representative of authority in children's lives, then
13 to betray the families' trusts and violate the
14 innocence of the children entrusted in his care.
15 It's really hard. Because of Chris's actions, my son
16 has the deepest wounds to his heart and soul. Even
17 though there are no visual wounds to see, it makes
18 the healing process so much harder.

19 Each day I awake and fight to see the light come
20 back into my son's eyes and have to struggle for a
21 sense of normal in my family. I have so much anger
22 and disgust for Chris and the evilness he brought
23 upon my family. I need him to know that I cannot
24 condone his behavior. I want him to know that he
25 deserves to be placed somewhere where he can no

1 longer do harm to other children. He needs to
2 understand that there are laws that protect children,
3 and by breaking those laws, he must pay the penalty.
4 And so I ask that you do not show this monster any
5 mercy, for he did not have any mercy on my son when
6 he did those horrible things to him.

7 Impact statement from the father of Minor 1:

8 Honorable Judge: The actions of Mr. Horton have
9 had a tremendous impact on my life, to my life, the
10 lives of my entire family.

11 Since Mr. Horton committed these crimes against
12 my young, innocent son, he has had to endure all
13 manners of disruptions to his life, privacy and
14 personal humility. He has to undergo invasive -- he
15 had to undergo invasive medical exams, had to openly
16 discuss his experiences with unfamiliar persons about
17 what Mr. Horton physically and mentally did to him.
18 He's had to deal with feelings and horrors neither a
19 child or anyone should have to experience. My son's
20 innocence and trust in others have been destroyed.
21 My family's trust of others, even of persons society
22 tells us each to trust, has been destroyed due to
23 matters complicated by Mr. Horton's terrible crimes.

24 We've had a very difficult time with our
25 daughter, who was also betrayed by Mr. Horton. She

1 believed she was in a dating relationship with him.
2 As a former U.S. Olympic karate team member, we
3 entrusted Mr. Horton with our son. Mr. Horton asked
4 for our son to accompany our daughter to his home
5 under the guise he'd provide additional competition
6 training, karate training, for our son. He used
7 these opportunities, which came at the expense of our
8 daughter, to isolate our son and commit his heinous
9 crimes. Our daughter was in complete denial of the
10 activities of Mr. Horton -- that Mr. Horton is
11 accused of, thinking she kept her younger brother
12 safe. She has borne a large portion of the personal
13 blame, though she's in no way at fault for what
14 happened.

15 A monster will find any way to get to their
16 victims. We know this. It took a lot of
17 professional counseling for our daughter to
18 understand this. She continues to bear personal
19 wounds of betrayal and the grief of what her little
20 brother had to endure under her care and
21 responsibility, and a lack of trust in others. The
22 financial impact on this crime -- on our family is
23 difficult to calculate. I am active duty Air Force.
24 We have insurance that covers all medical and
25 psychological expenses; however, I retire within the

1 next year and will have to pay for any future
2 psychological needs. Other, albeit limited, expenses
3 have been travel costs to court proceedings and
4 medical, psychological appointments.

5 The personal emotional impact and stresses I've
6 felt and have had to work through have had a grave
7 and negative impact on me both personally and
8 professionally. I suffer from a very rare nerve
9 disease which is affected greatly by stress. Due to
10 the substantially increased family stressors I
11 endured since Mr. Horton's arrest, I've had to seek
12 additional medical treatment for the pain associated
13 with this disease. Also, I've not been able to
14 complete full work days on numerous occasions due to
15 massive increase in pain. This has an additional
16 impact on my work center, my unit's mission, and
17 Scott Air Force Base mission overall since I am a
18 one-deep position. I am in a one-deep position which
19 currently only I can fulfill.

20 I never liked Mr. Horton. There was always
21 something about him. I don't know if it stemmed from
22 a parent's instinct, a former law enforcement
23 officer's intuition, or reading vague signs about
24 Mr. Horton, but had not pointed an accusing finger.
25 Some of these signs were as follows: I had

1 intercepted a phone conversation between Mr. Horton
2 and my son and demanded from Mr. Horton the reason he
3 felt he needed to have contact with my son outside of
4 karate school. He'd fall all over himself trying to
5 come up with an excuse. I fought tooth and nail with
6 my family over my daughter dating Mr. Horton and my
7 son going to his home. It wasn't right. It wasn't a
8 professional relationship. I can see the fear in his
9 eyes when he'd look at me. I'd hear the fear in his
10 voice when he spoke to me. When he'd conduct private
11 lessons at the school with my son he constantly
12 looked out the small window to see where people were.
13 Hindsight being 20/20, I realize now why he had those
14 fears. He was fearful of me, my family, of anyone
15 finding out what he was doing.

16 I believe Mr. Horton needs to spend the rest of
17 his natural life in prison for his crimes. He has
18 made it known that he knew what he was doing was
19 wrong. He does not show any remorse for his actions.
20 He stated in open letter that if he was let free,
21 would continue to commit these crimes. Facing the
22 consequences of his actions, one would assume take
23 measures to insure he was never caught, at least not
24 in the same manner in which his crimes were
25 discovered in February -- discovered in

1 February 2013. He has committed felonies, and in
2 doing so, taking the innocence of children, hurt
3 families, squashed previously held goals, selfishly
4 harmed the bright reputation of local business
5 leaders, and it's time he be held accountable for his
6 actions with the most stern sentence within your
7 power to levy, far away from his family, who, while
8 knowing what he's done, continue to allow him to be
9 with my son.

10 Thank you for your time and consideration of the
11 impact Christopher Horton's crimes have had on me and
12 my family.

13 Victim impact statement from the mother of Minor 2:

14 Thank you for letting my statement be heard.
15 It's a long statement and hopefully it will cause
16 strong awareness of the horrible realities of sexual
17 assault and the repercussions of rape that my family,
18 especially my son, continues to experience.

19 I would like to thank the police and attorneys
20 the state officials, courts, child advocacy, and each
21 person who had a hand in putting Christopher Horton
22 behind bars and who helped my son and my family
23 during this awful time.

24 As a result of my son's vicious assaults, we
25 have uprooted our lives in an effort to find some

1 kind of safe, sane life for our family. My husband
2 is in the military and his job at present has taken
3 him away from us for several months. Because I could
4 no longer face living in Illinois without him as a
5 daily moral support, my three children and I have
6 moved several states away in order to live
7 temporarily with family. The move means a great
8 sacrifice and time with my husband and having the
9 money to move and live in a different state.

10 My son had just turned six years old when he was
11 sexually assaulted and raped multiple times by
12 Christopher Horton. Horton groomed my son not to
13 speak of the assault. My son told me he was scared
14 and confused as to why his sensei would promise him a
15 Nintendo 3-DS if he let him touch his privates and do
16 other stuff to him. He said it felt wrong but he --
17 but was too afraid to talk.

18 His fears manifested as nightmares, screaming,
19 panting, trembling, and violent nightmares starting
20 during the summer of his assaults. They continue to
21 this day and he loses much needed sleep. He's so
22 exhausted that he fell asleep in school. My bright,
23 smart son struggles now with school work and his
24 grades continually suffer. The summer our son
25 started having trouble using -- that summer our son

1 *started having trouble using the bathroom. Bowel*
2 *movements were and still are the cause of much*
3 *physical pain, and times of extreme stress he will*
4 *have bowel movements in his underwear. His therapist*
5 *told us these things are normal for a rape victim.*
6 *Because of the assault, we do not allow our son to be*
7 *involved in any extracurricular activities. I*
8 *begrudgingly let him go to school. I had to tell his*
9 *teachers in Illinois and have to tell his new teacher*
10 *about his past abuse just in case he decides to talk*
11 *about it. It's excruciatingly painful to recount*
12 *what happened, and embarrassing for my child. I will*
13 *have to do this with every new school he attends.*

14 *My son is not adjusting well to this move from*
15 *Illinois. He cries almost every day. He has been*
16 *forced to go to a new school and is bullied because*
17 *he is too shy and sensitive. He misses his dad*
18 *terribly. My three-year-old daughter is having an*
19 *extremely difficult time moving from the home and*
20 *routines and friends she knew in Illinois.*

21 *In my hours of internet research trying to find*
22 *information on how to help my son and my family deal*
23 *with this horrible situation, I stumbled upon the*
24 *website of a Christian writer, John Shore. He*
25 *writes: "The real crime of sexual abuse isn't*

1 *physical; it's psychological, emotional, spiritual.*
2 *You make someone despise who they are sexually, which*
3 *is at the very core of the identity of all of us, and*
4 *you've created damage that easily lasts for*
5 *generations."*

6 *Psychologists have indicated that my child will*
7 *never be rid of the demons that come from being*
8 *sexually abused. Those demons will probably torment*
9 *him forever. As for me, I am a woman of faith, but I*
10 *have been very angry with my God. I have questioned*
11 *him. I have yelled and begged for an answer as to*
12 *why my child was a victim. Why would he let*
13 *something like this happen? The answer is simple:*
14 *He did not allow this. He gave us each free will.*
15 *We use free will to make our choices but our choices*
16 *are not free from consequences. Mark 9:42 tells us:*
17 *"Whoever causes one of these little ones who believed*
18 *stumble, it would be better for him if, with a heavy*
19 *millstone hung around his neck, he had been cast into*
20 *the sea." For me this means the person who causes*
21 *simple harm to children should be punished by death.*

22 *I believe that Christopher Horton's prison*
23 *sentence will be his millstone. Your Honor, I am*
24 *asking the maximum prison time be handed down to him*
25 *for his devious crimes against my son. If he's not*

1 in prison for the rest of his life, I strongly
2 believe that he will rape the innocent again and
3 again. Maybe even now the only regret he has is
4 being caught. Because of his vile actions and
5 continuous rape of my son that summer, it's obvious
6 that he took sick pleasure in manipulating my son's
7 trust in him. Nothing will give innocence back to my
8 son, which makes me justified in saying that I hope
9 Christopher Horton spends the rest of his life in
10 prison away from young boys. I selfishly hope every
11 single day he is treated as nicely as he treated our
12 children.

13 Horton is a young man but my belief is that his
14 age should not be a consideration in his sentencing.
15 I believe he deliberately placed himself in a job
16 which allowed him to satisfy his perverted desires
17 with my son. Ironically, he did not practice the
18 self-control he taught to students as a karate
19 instructor. The only way to keep vulnerable boys
20 safe from his monstrous actions is to keep him locked
21 up until the day he dies. Then my God can deal with
22 him.

23 As a mother of a young rape victim, I fight
24 depression every day, so for the sake of my children
25 I am taking antidepressants for the first time in my

1 life. My medicine dosage continues to be raised
2 because right now I'm having a difficult time with
3 life. Anxiety has caused me to fear what -- that he
4 will be kidnapped, raped, or murdered. I have to
5 convince myself to go out in public with my children
6 but my anxiety and fear is always there. Every day I
7 struggle with my fears and the choice to let them win
8 and stay locked away at home with my three young
9 children or push past them and try to go on with our
10 lives.

11 I've also struggled with my feelings about
12 forgiveness. How can I be a woman of faith if I
13 cannot forgive? How can I teach my son to have a
14 servant's heart if I do not have one? After much
15 therapy and praying I have made a strong decision
16 which is not to forgive Christopher Horton today. I
17 am not at peace with what happened. I may never be.
18 I am still trying to pick up the shattered pieces and
19 put my son's and my family's life back together. It
20 is not my place to forgive him. That decision must
21 be made between him and his God.

22 I am closing my statements with stories about
23 my son, my incredible strong boy. Last year during
24 the beginning of the trials my son was drawing a
25 picture. It was of a policeman chasing a bank

1 robber. I asked him why he drew that. He said he
2 wanted to grow up to be a police officer so he can
3 catch all the bad guys. A glimmer of hope in my
4 sadness.

5 My son is almost eight years old now. He uses
6 the words "joyful", "cool", and "funny" to describe
7 himself, but he also uses the words "scared" and
8 "anxious". He can clearly remember everything that
9 Christopher Horton did to him. He can recount the
10 details like it was yesterday. I had hoped that his
11 young age at the time of the assault would help him
12 to not remember as much but I am, unfortunately, very
13 wrong.

14 Before I started writing my statement I
15 explained to my son what I was doing and asked if he
16 had anything to add. He shrugged his shoulders and
17 looked down at the ground. Then I asked how long he
18 thinks Christopher Horton should go to jail for what
19 he did. He looked me right in the eyes and said,
20 with a strong and steady voice, "A hundred years."

21 I end my statement with the request of my son,
22 my boy who was assaulted and raped at just six years
23 old. Please hear my child's voice and keep
24 Christopher Horton in jail for as long as possible.
25 Perhaps a life sentence would be some kind of

1 *justice. It could never make up for what he did to*
2 *my son and to the other boys and their families but*
3 *knowing he will never prey on them again will give*
4 *some sense of security they deserve.*

5 Victim impact statement from the father of Minor 2:

6 *Christopher Horton's despicable acts against my*
7 *son forever changed the lives of an innocent child as*
8 *well as other children that are victims but have also*
9 *changed my entire family forever. The effects of*
10 *Mr. Horton's crimes have profound effects on my son*
11 *already. He wakes up in the night scared, yelling*
12 *for his mother and I, shaking in fear that he cannot*
13 *talk about what has frightened him. He has been a*
14 *victim of horrible crimes yet the pain didn't end*
15 *there. He has to continue to relive the pain*
16 *throughout being questioned at the child advocacy*
17 *center, undergoing embarrassing medical screenings*
18 *for signs of abuse and disease, and numerous therapy*
19 *sessions to attempt to help him understand and work*
20 *through the pain and mental scarring these horrible*
21 *acts of abuse had on him. My son will never be the*
22 *same child again. These acts will absolutely affect*
23 *his emotions, life choices, and personality for the*
24 *rest of his life. My son's innocence and childhood*
25 *were stolen from him and they can never be returned.*

1 *That's something my family and I will never forgive.*

2 *While I vow to my son to do everything in my*
3 *power to insure he is as well-adjusted and as happy*
4 *as possible, I am not so sure that my wife or I will*
5 *ever fully heal. I will never forget the agonizing*
6 *pain that I felt the day that I found out what*
7 *happened. I will never forget the desire for death I*
8 *felt due to the overwhelming hurt I could not escape.*
9 *I cannot forget the months of nightmares I*
10 *experienced waking up through the night from the*
11 *intrusive thoughts permeating my dreams. I wish I*
12 *could forgot the blood-curdling scream my son*
13 *bellowed as I was forced to physically restrain him*
14 *when needles entered his arm to test him for sexually*
15 *transmitted diseases. These sort of things no parent*
16 *should have to go through, and unfortunately,*
17 *Mr. Horton chose to spread the pain of his actions to*
18 *multiple families that surely feel many of the same*
19 *agonizing emotions as my wife and I do.*

20 *These crimes have changed me from the person I*
21 *used to be. I am unable to trust anyone other than*
22 *the closest members of my family. I am fearful to*
23 *allow any of my children to be left alone without my*
24 *wife or I present. I live in constant worry that my*
25 *son will suddenly have flashbacks of the abuse to*

1 which he was subjected. There isn't a day that goes
2 by where the sadness and hurt in my heart flood my
3 mind and distract me from whatever I'm doing, whether
4 it's during work or leisure time. When I look at my
5 son, whether it happens within a minute or after I've
6 been with him all day, sooner or later I think about
7 what he must have gone through and the pain he still
8 experiences.

9 No punishment the Court can bestow upon
10 Mr. Horton will ever right the wrongs he's done.
11 1,000 years in prison could not heal the hurt my
12 family feels. There is a situation where -- this is
13 a situation where, no matter what the punishment is
14 given, it cannot fit the crime. However, I
15 desperately implore the Court to give
16 Christopher Horton the maximum sentence possible, if
17 for no other reason than to serve as an example for
18 other pedophiles.

19 What has been done is done and nothing can take
20 it away. We can only hope to heal at this point.
21 However, if the Court sees fit to hand down the
22 maximum sentence, perhaps it will have an effect on
23 others who may commit crimes against children. If
24 only one child is saved from the devastating and
25 sickening acts that were committed against my son and

1 other victims of Christopher Horton, then a heavy
2 sentence will have done what it was meant to do:
3 Punish the one committing the crimes and persuading
4 others to never commit the same crimes. I am
5 heartbroken by what my son and other children went
6 through, but please don't let their suffering be in
7 vain. Let Mr. Horton serve as an example for why
8 children are not easy prey for pedophiles such as
9 himself, but that children are human beings with love
10 in their hearts and innocence that deserves
11 protection.

12 Victim impact statement from the mother and father
13 of Minor 3:

14 Honorable Judge Herndon: I put off writing this
15 letter for a long time because I don't and never will
16 have the words the even begin to express the impact
17 that Christopher Horton and his actions have had on
18 my son, myself, my family, and all those who are
19 close to us. I guess I should start with my son, who
20 was six at the time Chris Horton molested him.

21 In my line of work, teaching martial arts, I
22 have met and worked closely with literally thousands
23 of kids over the last twenty years, every one of them
24 unique and special in their own way. From that
25 perspective, I have to say my youngest son is truly a

1 special child. He is a neat kid. He is likeable and
2 friendly. He gets along with everyone. For his age
3 he demonstrates an amazing amount of common sense.
4 His kindergarten teacher described him as popular
5 with his peers. "Popular" isn't a word I would
6 choose to use for a five-year-old, but she was
7 definitely correct. Adults love him, his teachers
8 love him, other kids love him. I am constantly told
9 by adults around me what a phenomenal and unique
10 child he is. I know all parents think their kids are
11 special and gifted, as they should, but he truly is
12 something different and special.

13 Just a few weeks ago I had an adult going
14 through treatment for pancreatic cancer who asked me
15 to have my son pray for him because he knows that my
16 son is special and has a direct line to God. This
17 man didn't ask me or my husband to pray for him; he
18 asked for my seven-year-old son to pray for him and
19 his recovery. That says volumes about the way others
20 see him.

21 Since these incidents occurred, my son has had
22 terrible trouble sleeping at night. He cries
23 unexpectedly. He gets angry and frustrated over the
24 smallest tasks such as having trouble tying his shoes
25 or putting peanut butter on his toast in the morning.

1 He has had problems with his school work. He is an
2 intelligent child, yet his reading is almost half a
3 year behind, and he has to work with a special tutor
4 at school four days a week. He told the doctor that
5 sometimes in school he has trouble concentrating on
6 his work because he has flashbacks; doctor's terms,
7 not his.

8 Three of four nights a week he sleeps with me
9 because he is scared to be alone in his bedroom. I
10 had hung a cross on the wall in his room and the next
11 day it was hung over the outside of the bedroom
12 doorknob. When my mother, who lives with us, asked
13 him why, he said to keep the bad things out so he
14 could be safe.

15 He is scared and insecure now in a way that he
16 have never was before. Our society takes away our
17 children's innocence far too early as it is.
18 Christopher Horton took away my son's innocence, his
19 security, and his peace. He did so with a reckless
20 disregard for the impact it would have on the life of
21 a small child who had no control. He was
22 premeditated, selfish, predatory, and brazen. He was
23 in our home less than a week and did all of these
24 acts while they were -- while there were three other
25 adults in the house at the time. One can only wonder

1 what he might have done with more time and no one
2 around to potentially walk in on him and catch him.

3 The emotional and physical impact this has had
4 on my husband and myself has been enormous. We have
5 experienced a tremendous amount of emotional stress
6 from this situation. I hold on to my stress
7 physically. My body hurts. I am tired all the time.
8 Up until recently I haven't been able to sleep at
9 night. My husband and I both waited until we were
10 older to have kids because we wanted to make sure we
11 did it right. Deliberate parenting. We both came
12 from poor backgrounds and wanted to give our children
13 the attention, opportunities, security, and financial
14 support we didn't have as children.

15 Yes, emotionally I hurt for my son. Every
16 parent hurts when their child hurts and they can do
17 nothing about it. That helplessness to help has been
18 one of the most painful things but I also hurt
19 because I feel like I failed as a parent, having --
20 after having lost my second child at birth, God gave
21 us this beautiful baby boy and he trusted us with his
22 care and upbringing, and I failed to protect him from
23 this monster. Even worse, I'm still unable to figure
24 out how he made it happen in a house full of people.
25 Because of that, we don't receive guests in our home

1 any more. I may never be able to control what
2 happens in the outside world but I can control what
3 happens within the walls of my home. My kids should
4 always be allowed to feel safe in our home. I failed
5 at this once and I will never fail at it again.

6 I am extremely distrustful of others. I'm even
7 afraid to drop off my boys at church on Sunday
8 evenings for their youth group sessions. I stay just
9 in case. As for my husband, we just don't discuss
10 it. It's too painful. We simply try to provide a
11 supportive environment for our son, trust in God's
12 will, and hope for the best. It doesn't remove our
13 anxiety though. How do we know these pictures aren't
14 out on the internet somewhere for other perverts to
15 view, that they won't show up sometime in the future?
16 Knowing that sex imprinting happens during the first
17 three to five sexual experiences, how do we know that
18 he won't grow up to be the next Chris? Will he
19 remember this or not? How will it impact his
20 relationships as he gets older? Will he trust
21 others? Will he be able to have appropriate
22 relationships when he's older? What does this look
23 like in 10, 20, 30 years? What future heartbreaks do
24 we still have to live through because of what this
25 monster did to our son and other people's sons as

1 well? Only God knows.

2 I know I'm supposed to talk about the financial
3 impact this has had on our family. This point is
4 very far-reaching. Yes, there are doctor bills and
5 gas expenses and the travel from Texas to Illinois to
6 attend the hearings, but this doesn't begin to
7 express the financial impact this has had on my
8 family. Christopher Horton was never my martial arts
9 student or my employee and has never worked for my
10 martial arts studio, but my studio in Swansea is
11 being sued for his heinous act. He was employed by
12 another studio that uses the same trademark as we do.

13 While most of my students and their families
14 have been very supportive during this very difficult
15 time, we have had many families leave because of it.
16 We also have had many other families that have not
17 signed up with us because they believe we are the
18 other studio. That represents a huge financial loss.
19 My best estimate is that, over the next three to five
20 years, that represents nearly \$500,000 in lost
21 revenue from those that left or did not join. On top
22 of that, to my total dismay, though I have no
23 affiliation with Horton, one of the other victims'
24 families has decided to sue my studio. Although I do
25 expect the suit to eventually be dismissed, until

1 that time I still have to pay for the attorney's fees
2 to defend myself. So far I have a bill of around
3 \$5,000 but fully expect, before this is done, for
4 that bill to exceed a hundred thousand. And there is
5 still the potential lawsuit damages will exceed
6 1 million if granted.

7 Not only has my son been a victim but he
8 continues to be victimized as the situation drains my
9 finances and takes my time and energy away from him.
10 This is money that should be going towards his
11 college education, his life experiences, his future.
12 We had a year-long R V trip planned for his third
13 grade year. I was going to home school both my boys
14 next year and take the entire year traveling around
15 the United States as a family so my boys could
16 experience this wonderful country that we live in
17 firsthand instead of just reading about it in books.
18 We already had a complete plan, from Hollywood
19 Boulevard and the great redwoods on the west coast to
20 New England foilage and cherry blossoms in
21 Washington, DC on the east coast and everything in
22 between. I wanted to let my kids experience this
23 country firsthand so they have a reason to love,
24 respect, and support it, and a reason to fight for
25 the freedoms that we've been given. This trip would

1 have impacted their entire lives and it will not
2 happen because I can no longer afford it.

3 So as I said, my son and my family have not only
4 been a victim once but continue to be victimized as
5 this lawsuit drains our finances and takes our
6 attention and energy away from the things that we
7 should be focused on the most, specifically my son.
8 The impact of all of this so far-reaching, I've
9 watched this event shake our entire community to its
10 core.

11 I've watched as my friend, Kevin, and his
12 family, who owns the other studio, have struggled
13 with losing their business and dealing with these
14 awful acts over which he had no oh control. I've
15 taught martial arts for over 15 years. I've helped
16 literally thousands of families solve problems with
17 their kids. We've taken kids off the street and made
18 them productive. We've taken productive kids and
19 gotten them the service academies, made them world
20 champion athletes, and gotten them scholarships to
21 college.

22 I spent my time and energy for last
23 decade-and-a-half protecting kids and families from
24 predators like Christopher. If this could happen
25 under my own roof, it can happen anywhere. None of

1 our kids are safe without astounding vigilance.
2 People like Christopher Horton cannot be reformed.
3 This is part of who they are. They cannot be cured
4 and they will always hurt others. Their personal
5 satisfaction is far more important for them than any
6 amount of pain they cause others. That will never
7 change. You have the power to keep him from hurting
8 others. We ask that you pass a sentence that never
9 allows him to leave prison so he can never hurt
10 anyone again.

11 And the victim impact statement from the
12 grandmother of Minor 3:

13 Honorable Judge Herndon: As the grandmother of
14 one of the Defendant's victims, I want to make you
15 aware of just how far-reaching the impact of his
16 premeditated, calculated, and heinous acts have been.
17 Not only have our children and grandchildren been
18 victimized, but like the ripple of a pebble in a pond
19 spreading outwards, so too have both the immediate
20 and extended families of his victims been victimized.

21 Since my grandson was molested at age six, I
22 have watched my family struggle to come to grips with
23 what happened. The emotional and financial tolls --
24 tolls the sleepless nights, the feelings of
25 helplessness, guilt, anger, and sadness were and are

1 at times overwhelming. As a grandmother and mother,
2 this pain and anguish is compounded exponentially as
3 I try to deal with the life sentence without parole
4 that his actions handed out to, not only my grandson,
5 but my entire family. I see the pain in my
6 daughter's eyes as she struggles to deal with her
7 feelings of failure as a parent. I watch my
8 son-in-law struggle with his feelings of guilt
9 because he was unable to keep his family safe in
10 their own home. I watch my grandson in ways that are
11 not normal for an eight-year-old child because he
12 does not know any other way to deal with his pain.

13 Each time a new issue arises in this case these
14 painful wounds are reopened and the cycles of
15 emotions and pain start all over again. Because I
16 share a home with the victim and his family, I often
17 struggle with my own feelings of guilt, failure, and
18 helplessness. Daily watching my family struggle with
19 the emotional, physical, and financial burdens caused
20 by this monster's actions has caused me untold
21 anxiety and stress, resulting in dramatic mood
22 swings, bouts of uncontrollable crying, and angry
23 outbursts.

24 In addition, I find myself second-guessing
25 everyone's actions and intentions, and my ability to

1 trust others has been shaken to its very core. I
2 often sit in church and struggle with the concept of
3 forgiveness, knowing it is the Christian thing to do,
4 but find myself failing miserably, falling miserably
5 short of that goal. Peace and contentment in my life
6 are just a distant memory, and I doubt things will
7 ever be the same again. Even now, some two-plus
8 years later, I relive this nightmare on a daily basis
9 every time I look into the angelic face of a special
10 little man, my grandson, knowing his life was forever
11 changed when his innocence was stolen from him by a
12 monster disguised as a teacher and mentor.

13 The Defendant's unspeakable acts against his
14 victims and their families have caused emotional
15 scars that will never disappear. No one knows what
16 the long-term effects of this monster's actions will
17 be for all the victims involved, but one thing is
18 certain: All those affected can never go back to the
19 way things were before he forced himself upon them.
20 Once a pedophile, always a pedophile. I do not
21 believe that he can be rehabilitated. Like the
22 families he violated, he too should be sentenced to
23 life without the possibility of parole. All this may
24 not be possible from a legal standpoint. Because of
25 the nature and magnitude of his crimes, I am asking

1 that he be sentenced to the maximum time allowable by
2 law. He should never be allowed to have access to
3 children again so that we may take some comfort in
4 knowing that he will never do this to another family.

5 And then at this time the father of Minor 4 would
6 like to read his statement.

7 THE COURT: You don't have to identify your name.
8 We know you as the father. Thank you for being here.

9 UNIDENTIFIED SPEAKER: Thank you. You said I don't
10 have to identify my name?

11 THE COURT: No.

12 UNIDENTIFIED SPEAKER: Okay.

13 We remember the day our son was born like it was
14 yesterday. We can close our eyes and vividly remember
15 staring at his little face, hands, ears. He was the most
16 beautiful child that we had ever laid eyes upon. We knew
17 from that very moment that we wanted to give him the world,
18 everything we never had, and nothing, absolutely nothing
19 would hurt him. They would have to go through us first. We
20 did everything we could to protect him, and yet our son
21 experienced something so devastating, so detrimental, so
22 destructive. He had the displeasure of being a student of
23 Christopher Horton.

24 Our son is nine years old today. He is an
25 extremely bright child. Most of the time he is happy,

1 silly, fun-loving; other times he is troubled, angry, and
2 even aggressive. Words cannot explain the hurt we -- or
3 our hearts feel when we see the pain and angst on our
4 child's face when he has had a rough day, when he is facing
5 demons that he should never have had to face.

6 In September of 2012, we began getting disturbing
7 calls and e-mails from our son's teacher at school. He was
8 acting out inappropriately, being destructive and hurtful to
9 others. This was not the sweet, honest, funny boy that we
10 had raised. In a matter of a few short months our child had
11 drastically changed. After some discussion with the school
12 staff we decided to seek outside counseling for him and for
13 ourselves as a family. With costly biweekly and weekly
14 counseling sessions, we made huge strides within the next
15 five months.

16 Then when the news of Christopher Horton's arrest
17 was made public our hearts sank. We realized what had
18 happened to our child. We understood the angry, aggressive
19 behaviors. Our child was hurt. He had been hurt by someone
20 that we trusted, that he trusted, and that the community
21 trusted. We have all been betrayed. We have and will
22 continue to invest everything we possibly can in restoring
23 what was lost: Our child's innocence, trust, and faith. We
24 will exhaust every minute of every day making him better.
25 We will not rest until he has the help he needs to feel like

1 a kid again, to feel like he can trust again.

2 Our son will not talk about what happened still to
3 this day. He occasionally will make statements like he will
4 not want to be in his room because he feels that someone is
5 viewing him changing or things like that. And any time
6 anybody mentions or talks about karate or martial arts he
7 completely freezes up, won't talk, gets quiet and lonely,
8 and it tears us apart because he at one time loved karate,
9 and I did karate with him. And it's just so hard for us to
10 see him go through this, that he will never be able to do
11 something that he loved ever again.

12 This crime has affected our son and our entire
13 family in so many ways, not just emotionally, but physically
14 and financially. Today we ask the Court to impose the
15 maximum possible sentence for each and every count that he
16 has been charged with and pled guilty to. Thank you.

17 *THE COURT:* Thank you, sir.

18 Any other victim impact statements, Ms. Summers?

19 *MS. SUMMERS:* No, Your Honor.

20 *THE COURT:* So if you'll make your argument for the
21 sentence the Government feels appropriate.

22 *MS. SUMMERS:* Four families' lives were forever
23 changed one year ago when they were told that their
24 children, ages 6, 6, 7, and 10, had been sexually abused by
25 a man that they had entrusted with the care of their

1 children, a man who their boys bowed to and called sensei.
2 And their worlds were even more rocked when they were told
3 that this man had recorded all of the instances of abuse of
4 their children and kept these recordings as trophies.

5 When we look at the nature and circumstances of
6 this offense, the offenses committed by the Defendant, I do
7 not know how we characterize it as anything short of a
8 parent's worst nightmare and a complete violation of
9 innocence of the most predatory nature. The Defendant was a
10 black belt in martial arts instructor at a studio where he
11 was trusted with the instruction and supervision of young
12 children. The Defendant exploited this position of trust to
13 very quickly, in a calculated and premeditated manner,
14 sexually abuse four young boys in less than one year of
15 working at that studio. He recorded his repeated sexual
16 abuse of these children on his I-Phone and kept these
17 recordings as his collection. Demonstrating brazen
18 arrogance, the Defendant committed these sexual abuse of
19 these children right under the noses of their parents and
20 other instructors. The Defendant committed his abuse of
21 Minor 1 at the Defendant's home while others were present,
22 as well as at the martial arts studio. He committed his
23 abuse of Minors 2 and 4 in the small observation room of the
24 martial arts studio with a full class of students and other
25 instructors just outside the door. As the Court has heard

1 in the videos recorded in this small room of the studio, you
2 can actually hear the class going on in the background.
3 Other students, parents, instructors were right outside the
4 door.

5 And then the Defendant sexually abused Minor 3 at
6 his own home where he was trusted by the family to stay with
7 them in their home for a week. He was able to get to these
8 kids within one week's time. How was he able to get to
9 these children in one week's time? Because he was their
10 sensei and because he had a calculated plan to exploit that
11 position. To these young boys, "sensei" means something.
12 It means "teacher". They are taught that this person is
13 deserving of their trust and their respect, a person that
14 they will bow to and look up to. In a total betrayal of
15 that trust and respect that he was undeservedly given by
16 both the children and their parents, he intentionally
17 exploited their adoration of him using a plan that he had
18 meticulously scripted about what he would say to these young
19 boys to initiate and maintain his control over them.

20 I didn't ask the agent to read those notes to be
21 overly gratuitous. I asked that he read these notes because
22 I think the details of those entries so clearly demonstrate
23 how methodical, calculated, and predatory the Defendant was
24 in his abuse of these four boys. That's how he got to them
25 so quickly. He was a sensei on a mission. He is a master

1 of his crime, a black belt in the sexual assault of
2 children.

3 The fact that the Defendant committed actual and
4 repeated sexual abuse of these four young boys is pivotal in
5 the Court's consideration of the nature and circumstances of
6 this offense. A person can commit the offense of production
7 of child pornography without laying a hand on a child.
8 There are cases of surreptitious filming in which the
9 producer secretly captures the unclothed genitalia of a
10 child or records the child in an act that he or she believed
11 to be a private act. There are also those cases where the
12 producer employs a child to pose in a lascivious display of
13 the child's genitals without actually touching any part of
14 the child's body. And then there are cases like this one
15 where the Defendant records himself engaging in the sexual
16 abuse of four children, involving repeated acts of oral
17 penetration and simulated anal penetration.

18 The Defendant is not merely a voyeur who is
19 satisfied by viewing exposed genitalia of young children.
20 He is a person who takes pleasure in his own hands-on
21 offense and abuse of very young children, and he derives
22 continued deviant satisfaction by reliving his victimization
23 of these children through repeated viewings of his collected
24 recordings. The crimes committed by the Defendant in this
25 case epitomize the type of conduct that Congress had in mind

1 when they imposed the harsh penalties mandated for these
2 offenses. His conduct is worthy of severe punishment, the
3 type of punishment authorized by Congress and recommended by
4 the United States Sentencing Commission in the calculated
5 guideline range in this case of life imprisonment.

6 The Government submits that the nature and
7 circumstances of this offense undoubtedly support the
8 sentence of imprisonment between 720 and 840 months,
9 followed by a period of lifetime supervised release. The
10 statute requires the Court also consider the history and
11 characteristics of the Defendant. According to what the
12 Defendant and his mother report in the PSR, and the
13 evaluation completed by Dr. Cuneo, as well as some of the
14 statements made in the letters submitted on behalf of the
15 Defendant, he's had a bad childhood filled with many
16 negative influences and experiences that can certainly give
17 some insight into how he became the person that he is now
18 and perhaps into why he repeatedly committed these terrible
19 crimes against these children. Certainly the accounting of
20 some of what the Defendant experienced and witnessed in his
21 childhood invokes sympathy, and one could argue, as the
22 defense counsel does, that the system failed Mr. Horton.
23 One thing we can be certain, whether it is that the system
24 failed Mr. Horton or it was any one or combination of any of
25 the experiences of abuses reported in the PSR, in

1 Dr. Cuneo's report, or whether it was something that we
2 don't even know about, something went terribly wrong. And
3 while we can have sympathy for what the Defendant has been
4 through, what we are faced with today in this sentencing,
5 I'd submit, is who he is now and a realistic evaluation of
6 the danger that he presents to the public.

7 I respectfully submit that, as the Defendant stands
8 before you in this courtroom today, he is a man who is
9 deeply flawed and who demonstrates the personality and
10 character traits found in the most dangerous people in our
11 society. He has demonstrated intelligence, premeditation,
12 charm, manipulation, pervasive dishonesty, a callous lack of
13 empathy, a need for stimulation from deviant behavior, and
14 predatory sexual conduct. These traits are demonstrated in
15 his own words in both the letter he wrote from the jail
16 after his arrest as well as in his report to Dr. Cuneo about
17 the details of why he committed the abuse of these four
18 young boys.

19 In his 35-page letter, the Defendant, describing
20 himself as disturbingly manipulative and clever for a young
21 boy, purportedly seeks to understand and explain his
22 behavior, but the writing itself is explanatory. He reveals
23 a lack of genuine remorse by focusing on explaining and,
24 therefore, justifying his conduct. It reveals his sense of
25 entitlement. As the Court heard through the testimony and

1 the letter that's been submitted, the Defendant wrote, "I
2 think I did what I did because I need to see if I could find
3 myself. I didn't know why or what made me the way I was or
4 am. I needed someone like me to see if they would grow to
5 be like me one day. My theory was, if they were introduced
6 to it at a certain age, they too -- would they too we
7 sexually confused or share similar desires in the future?"

8 Even after his arrest, incarceration, the Defendant
9 is objectifying his victims. He makes it clear that these
10 children were nothing more than objects for him to abuse in
11 some form of experiment to see how they would grow up after
12 having survived his sexual abuse. His ability to objectify
13 his victims, I'd submit, demonstrates a character devoid of
14 any empathy or compassion for the harm that he has caused by
15 his actions.

16 Even in his report to Dr. Cuneo about the details
17 of why he committed these offenses against the victims, the
18 Defendant makes excuses for his conduct, placing the blame
19 on the victims themselves, saying either that it was the
20 child's idea in the first place or that it was something the
21 child did or said that left him with an inability to control
22 his impulses. The Defendant is an incredibly dangerous
23 person, a person who must be confined and incapacitated for
24 as long as possible for protection of the public.

25 When the Court considers the need for the sentence

1 to reflect the seriousness of the offense, to promote
2 respect for the law, and to provide just punishment, I
3 submit that justice cannot be achieved in this case unless
4 the significance of the sentence is in proportion to the
5 magnitude of the crime and the harm caused. And I don't
6 think that the magnitude of this crime can be overstated.
7 This is more than a child pornography case. With
8 premeditation and calculation, the Defendant raped these
9 four children of their childhood, their innocence, their
10 sense of security, and understanding of who they are. These
11 children are damaged, perhaps forever. These boys may very
12 well, with counseling and the support of their loving
13 families, be able to get back some of these securities in
14 life that everyone deserves, but they will have to fight and
15 struggle for it.

16 We cannot fully understand the long-term
17 ramifications of this crime. Will these children ever learn
18 to trust again? Will they blame themselves for their abuse?
19 Will it cause them to feel different and interfere with
20 their ability to form meaningful and personal relationships?
21 Will their educations be impacted by the psychological
22 trauma they've suffered? The questions could go on and on.
23 The harm caused to these children is incalculable, and that
24 harm caused must also be understood alongside the anguish of
25 the parents who now carry the burden of knowing that they

1 placed their sons in harm's way.

2 We've heard from the victim impact statements the
3 indescribable grief that is suffered by the parents who, on
4 a daily basis, have the emotional torment of knowing how
5 their child was violated. A minimum sentence for each count
6 of production of child pornography is 15 years. The
7 Defendant's conduct in this case is far more egregious than
8 any conduct contemplated by the minimum sentence. And the
9 Defendant committed these offenses repeatedly against four
10 separate victims. A sentence of 15 years, to be served
11 consecutively, for each of these four victims is necessary
12 to provide just punishment for the harm the Defendant has
13 caused and the crimes that he's committed against these
14 children. Therefore, the Government recommends a sentence
15 between 720 and 840 months.

16 When the Court considers the sentence, the need for
17 the sentence to afford adequate deterrence to criminal
18 conduct and to protect the public from future crimes of the
19 Defendant, on this point defense counsel argues that because
20 the Defendant -- because of the Defendant's age, he is more
21 likely to benefit from treatment than older, more sexually
22 fixed offenders. Although conceding that we can never be
23 absolutely certain that a Defendant will not reoffend,
24 defense counsel argues that because of the Defendant's youth
25 and the fact that he will receive effective treatment while

1 in prison, a sentence of 25 years is sufficient to serve the
2 goals of deterrence and protection of the public from future
3 crimes of the Defendant. And to support this argument, the
4 defense counsel contends that under the civil commitment
5 laws, Mr. Horton will be evaluated at the end of his prison
6 sentence and before he is released, and if he cannot be
7 safely released into the community, he will not be.

8 I would submit that the contention that the civil
9 commitment laws give us any sense of assurance that a person
10 who is still a danger to the community will be identified
11 and not released is belied by the statistics of the
12 Certification Review Branch Report. While I don't know all
13 of the details of what cases are presented for
14 certification, or what types of cases, as Mr. Gabel pointed
15 out, this report does indicate, does show that since the
16 beginning of the program in October of 2007, of the 46,137
17 cases reviewed for civil commitment, only 52 have been
18 actually certified and committed by the Court. That's less
19 than .001 percent. And we know that the rate of recidivism
20 of sex offenders who have been released from are prison is
21 definitely higher than .001 percent. In the studies that I
22 have found in my research and studies issued by the
23 Department of Justice, I have found that recidivism of child
24 sex offenders can be -- has been reported anywhere from 5.3
25 to 9 percent. I just don't think that the possibility of

1 civil commitment at some point in the future can give us any
2 assurances that a dangerous -- extremely dangerous sex
3 offender will be released into society one day.

4 The defense counsel also argues that because of his
5 age at the time of the commission of his offense there's no
6 reason to believe that Mr. Horton will continue to pose
7 significant risks to reoffend for the rest of his life and
8 that he has significant potential for rehabilitation for
9 treatment -- through treatment. I submit that there is
10 simply nothing in the record before this Court to support
11 the Defendant's likelihood of rehabilitation. In fact, I
12 think everything presented demonstrates quite the opposite.

13 In his evaluation of the Defendant, Dr. Cuneo
14 determined that the Defendant is at a high risk to reoffend.
15 In his report, he reaches his conclusion having used the MN
16 Sex Offender Screening Tool. The MN Sex Offender Screening
17 Tool is a tool used to perform an actuarial evaluation on
18 sex offenders. When you consider the population that's
19 being studied in the use of this tool, is by definition a
20 collection of sex offenders. By the fact that the Defendant
21 is classified at a high risk means he is literally the worst
22 of the worst in terms of his risk of perpetrating future
23 crimes on the public.

24 And the facts of this case I think further
25 demonstrate that the Defendant is not likely to be

1 rehabilitated. Perhaps we could be talking about treatment
2 or rehabilitation if we were talking about a person who
3 committed this offense one or even two times, but we're
4 talking about the Defendant who produced over 38 videos,
5 that's just 38 videos that the victim's face can be seen, of
6 his abuse of four young boys. How do you rehabilitate a
7 person who, in such a calculated, meticulous betrayal,
8 exploited his position of trust to obtain access to his
9 victims, who then repeatedly sexually abused them? How do
10 you rehabilitate a Defendant who is not merely the
11 voyeuristic producer but, rather, takes pleasure in his own
12 hands-on abuse of very young children and derives continued
13 deviant satisfaction by reliving his victimization of these
14 children.

15 The Government submits that, on these facts and the
16 character demonstrated by the Defendant, the likelihood of
17 rehabilitation is slim to none. He has demonstrated,
18 through his conduct and through his own words, that he lacks
19 any empathy or compassion for the harm that he has caused
20 these children, making him a much greater risk to reoffend,
21 and I'd submit, an extreme danger to society. For that
22 reason, I think that he is a person who must be confined and
23 incapacitated for as long as possible for protection of the
24 public.

25 The lengthy prison sentence that the Government

1 seeks will insure that if or when he is ever released, he
2 will be of such an advanced age that he will be at a much
3 lower risk to reoffend against children. So the Government
4 recommends that the Court impose a sentence between -- of
5 imprisonment between 720 and 840 months, followed by a term
6 of lifetime supervised release.

7 *THE COURT:* Thanks. Mr. Gabel?

8 *MR. GABEL:* Thank you, Your Honor. I'm not going
9 to revisit Dr. Cuneo's report. I will point out that
10 Dr. Cuneo points out in his report that my client would
11 benefit if he was provided treatment for both his
12 psychological and sexual difficulties. Such treatment would
13 help lower his overall risk of reoffending.

14 We don't know where Mr. Horton's going to be in 25
15 years. By that, I mean, we don't know where he's going to
16 be in treatment. He may be able to be released, he may not
17 be. This Certification Review Branch Report is totally
18 confusing because it shows only 20,000 people in custody and
19 shows 46,000 cases reviewed. You don't know what type of
20 person was interviewed. We don't know anything about this
21 piece of paper. What we do know today, my client should not
22 be released. No one debates that.

23 We know my client had a terrible terrible
24 childhood. That does not excuse the evil and wicked deeds
25 he did. When we try to decide what the punishment should

1 be, we need to look at the protection of the society and we
2 need to figure out how to provide the Defendant with the
3 needed medical, correctional treatment that's required.
4 He's going to get treatment while he's in, we both know
5 that. The question is how good it's going to be and whether
6 or not at the end he's going to be someone that is going to
7 be released or not.

8 I am not asking for a small sentence. 25 years is
9 a long time for a man of Chris's age. And he knows that
10 there's victims, real victims, and not just of his actions
11 that happened when he was at the karate studio or at the
12 house. They're being revictimized even when they have to go
13 to a counselor and relive it, and he's responsible for that
14 and he understands that. Your Honor, 25 years, knowing that
15 he's going to be looked at, and knowing if Dr. Cuneo was
16 looking at him today he would keep him locked up. We are
17 better off with a punishment of that, the 25 years, knowing
18 that he's going to be evaluated before he's released. He
19 may spend the rest of his life in prison with a 25-year
20 sentence if he doesn't respond to treatment. And we also
21 know it's very difficult, once you're committed to one of
22 the sexual treatment units, to ever get out.

23 This is not a light sentence that you're giving him
24 if you give him 25 years. There's a good possibility that
25 he'll never be released from prison. But it's an

1 opportunity for him, if he takes it and responds to
2 treatment, to be out on the street when he's 50 years old or
3 less. I think that's realistic.

4 Thank you, Your Honor.

5 THE COURT: Thanks, Mr. Gabel.

6 So one of the letters that I did receive was a
7 letter actually from Mr. Horton, and I have read it and am
8 considering it.

9 Mr. Horton, I'm obligated by law to offer you to
10 make a statement to me. You're welcome to step up and talk
11 to me before I make my decision. Would you like to do that,
12 sir?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Why don't you approach the podium,
15 please.

16 ***(Defendant approaches the podium)***

17 THE DEFENDANT: Your Honor, I'm given this a lot of
18 thought and I pray every day and I can't apologize enough
19 for everything that I've done. All of my actions, I can't
20 apologize enough to you , the victims, their families, my
21 family, the embarrassing acts that I've portrayed. And I
22 thank my family and everybody here, and I thank Mrs. Summers
23 for excellently defending the victims, and I thank
24 Mr. Gabel, and I thank you, Your Honor, jurisprudence. I'm
25 nervous right now. I'm sorry. That is all, Your Honor.

1 THE COURT: Okay. Thanks, Mr. Horton.

2 Ms. Summers, rebuttal remarks?

3 MS. SUMMERS: No, Your Honor. Thank you.

4 THE COURT: Okay.

5 I first want to say, because the record cannot
6 reflect since we do not visually record court hearings,
7 that this courtroom is absolutely filled with people. Have
8 quite a number of people that are here, I presume
9 representing the victims in some way or another, and we have
10 quite a lot of people here representing and in support of
11 the Defendant. I do not want to suggest or pretend in any
12 way that a case like this presents a judge like me with
13 anything but a very, very difficult task. There are a lot
14 of things to consider. There are a lot of things to think
15 about. It's a very heavy weight that I bear as I analyze
16 this case.

17 Certainly the Defendant has not suggested anything
18 but a sizeable period of incarceration, and those
19 representing the victims have certainly suggested an
20 enormous amount of time they believe the victim -- the
21 Defendant, rather, should serve, whether it's something
22 between 720 months and 840 months or the Defendant's life.
23 So the parameters are certainly very substantial and the
24 obligation on me weighs quite heavily on what I'm to do, and
25 the only appropriate way to do it is simply analyze it under

1 the law and do what I believe is correct under the law, as I
2 do in every other case. Perhaps in a case such as this,
3 the task before us is just a little bit more difficult than
4 normal.

5 But looking at the nature and circumstances of the
6 offense, I believe, as a society -- this is borne out by the
7 criminal statutes -- we reserve some of our heaviest
8 protection for children, particularly when it comes to sex
9 offenses. Some of the most harshest of penalties are in
10 this area. That's very simply no question about that. I
11 don't think anyone would argue that there's anything wrong
12 with that. One simply needs to listen to the victim impact
13 statements in this case to understand why we do that. They
14 are typically among the most vulnerable in our society and
15 they are subject to the most harm when something of this
16 nature comes along, and they suffer the greatest, their
17 families along with them.

18 And so as a result of that, the statutes provide
19 some of the most harshest of penalties, and as we see in a
20 case like this, the Sentencing Commission, in giving advice
21 to me, the advice was simply off the chart, and so we see
22 just how serious our society is in protecting our children.

23 This particular case was no different. This is
24 probably, in my 15 years as a federal judge, one of the most
25 serious and heinous cases I've seen, and so it's one that,

1 when we consider the factor of nature and circumstances of
2 the offense, like when we were going through the technical
3 aspects of the guidelines, it is simply off the chart.
4 Most, most serious case.

5 History and characteristics of the Defendant. In
6 reading the victim impact statements and knowing what the
7 victims have gone through, as I said, what the victims have
8 suffered is just immeasurable, but we see the history and
9 characteristics of the Defendant. The Defendant's life
10 prior to his commitment of this crime is likewise
11 immeasurable. Mr. Gabel has talked about this extensively
12 in his sentencing memorandum. The letters that I received
13 from different people in Mr. Horton's family were quite
14 interesting to say the least. People related to the
15 Defendant's mother blame the Defendant's father. People
16 related to the Defendant's father blame the Defendant's
17 mother. And doesn't matter to me who's to blame. It's
18 clear that the Defendant did not have a normal upbringing.
19 There's no question he was subjected to some sort of sexual
20 abuse somewhere along the line at a young age. What's
21 not -- there is -- there was one episode that was certainly
22 known, episode at school. What is not known for sure is
23 whether there were other episodes, whether there was family
24 involved or not. I don't know.

25 What we do know is that the Defendant has --

1 Defendant's life has been characterized by sexual deviancy
2 for a very, very long time. Now, that certainly is a
3 mitigating factor, and how much that inures to the
4 Defendant's benefit is a difficult issue for the Court in
5 light of the extremely serious nature of this crime. And
6 also the statement that the Defendant made in his letter
7 that one of the reasons why he did this was to seek out
8 people that he could see if they were like him and see if
9 they would grow to be like him one day. Ms. Summers used
10 the phrase "an experiment", and it is horrifying to think
11 that somebody would use little children as though they were
12 some sort of petri dishes or test tubes to see if they could
13 turn out to be like him because of what he went through,
14 knowing his terrible background. And that is, as
15 Ms. Summers suggested and argued, an indication that the
16 Defendant is a very dangerous person. And dangerous, I
17 would suggest, like the guideline computation, off the
18 chart.

19 So the Defendant's history and characteristics
20 weigh heavily, heavily against him in this analysis. The
21 defense provides the Court with Dr. Cuneo's examination, and
22 he essentially confirms all this about the Defendant in
23 terms of his background. Diagnoses the Defendant as a
24 pedophiliac; diagnoses him with being sexually attracted to
25 males; diagnosis him as having attention deficit hyperactive

1 disorder, combined type; personality disorder as well.
2 Further opined that the Defendant has no real concept of
3 what is appropriate sexuality, has no concept of limits, has
4 no concept with his own sexuality. Went on to talk about
5 his early sexuality, and opines that the sexually abused is
6 now the sexual abuser. Clearly also opined that he would
7 benefit from therapy in an effort to assist in his -- as the
8 doctor said, could help lower his overall risk of future
9 reoffending.

10 As Mr. Gabel said in his remarks, we know that,
11 according to the sexual offenders management program in the
12 Bureau of Prisons, he will get treatment. Mr. Gabel said we
13 don't know what that treatment will consist of. We don't.
14 We know he'll get treatment. A lot of it will depend on his
15 cooperation and his voluntary -- the voluntary nature of his
16 desire to be seek treatment, as is always the case when
17 you're in the Bureau of Prisons.

18 Mr. Gabel suggests that the best protection for
19 society is that at the end of a 25-year period we depend on
20 the Department of Justice's program of civil commitment,
21 they will -- they're best positioned to determine his
22 sexual dangerousness at that time, and we should depend on
23 them to then confine him, and understand that they will
24 confine him for the rest of his life if he is a sexually
25 dangerous person at that point in time, and that as we sit

1 here in 2014, that we can be certain that that is something
2 that this Court can rely on as well as society in general.

3 The Court must fashion a sentence that demonstrates
4 that the Court has considered that sentence to reflect the
5 seriousness of the offense, promote respect for the law, and
6 provide just punishment, as well as affording adequate
7 deterrence to criminal conduct, and protects the public from
8 further crimes, as well as, Mr. Gabel said, provided the
9 correct proper medical care and correctional treatment in
10 the most effective manner. Mr. Gabel, as I mentioned,
11 believes that sentence is 25 years for a person that is now
12 21 and who has committed these offenses.

13 I didn't talk, when I was talking about the nature
14 and circumstances of the offense, that this is an offense
15 that -- these are offenses that involve three and four
16 victims that were repeated over and over and over again.
17 One of the unfortunate images that I have in my mind from
18 looking at the DVD is the very first one that's on the DVD
19 where the very young child is trying to resist Mr. Horton
20 and going back, and Mr. Horton is drawing him in, and
21 there's resistance and pulling back and resistance. So
22 while it's true that Mr. Horton had a philosophical
23 influence over these children, as they trusted him as their
24 sensei, it wasn't complete in the sense that at least in
25 that one episode he had to keep pulling the child back in as

1 the child kept saying, *I just want to take my shower. I*
2 *don't want this.* And he kept trying to resist, and
3 Mr. Horton wouldn't let him. Pulled him back as he
4 committed a sexual act on him.

5 And then we know that from the officer's testimony
6 that even though out of the, he said probably 100, that
7 there were 80 some videos. And Mr. Gabel pointed out in
8 cross-examination that those were -- some of those were
9 snippets so that you have a little piece of video and then
10 it would be turned off and then another snippet of video, so
11 that it didn't represent that many actual sexual acts; but
12 many, many sexual acts, dozens, if you will, on these
13 children. And you see in the video where Mr. Horton is in
14 that room in the dojo and he is committing sex acts on these
15 children and he's looking back to see if anybody's coming
16 and he's about to get caught. So the dangerousness, the
17 deviousness, the predatory nature of these acts is once
18 again, to use the term I've already used, off the charts.

19 So when you consider -- and I think about other
20 cases I've had. Ms. Summers used these analogies as well.
21 When you compare other cases that we typically have around
22 here, the typical case for us is not exploitation. All too
23 often frankly have cases involving simple child pornography,
24 if that's not an oxymoron, and I compare this to some of the
25 other sentences that I've handed down when we want to talk

1 about the concept of avoiding unwarranted sentencing
2 disparities and talk about proportionality.

3 And when I look at this factor of the need for the
4 sentence imposed to reflect the seriousness of the offense,
5 promote respect for the law, provide just punishment, I
6 think about all the letters that I read, I think about the
7 arguments Mr. Gabel made, the arguments Ms. Summers made,
8 even considering the fact that the Commission has
9 recommended life. Ms. Summers talks about 720 to 840
10 months. Mr. Gabel talks about 25 years. Given the
11 seriousness of this offense, the type of background
12 Mr. Horton had before he got to the point where he wanted to
13 see what would happen if he did those things to those
14 children to see if they would come out like he turned out, I
15 believe the just punishment in this case would be as
16 follows -- I'm not formally imposing sentence because I'm
17 going to do that after I tell you what sentence I'm going to
18 impose: 360 months on Counts 1 and 2; 360 months on
19 Counts 3 and 4; 360 months on Count 5, all those terms to
20 run consecutive; 360 months on Count 6, that term to be
21 concurrent. And if my math is correct, total 1,080 months.
22 Lifetime of supervised release, if for some reason, through
23 a review of my actions here, the Defendant ends up with a
24 term less than what I've just done or he survives that many
25 years in prison. I'm going to waive the fine. Going to

1 impose the restitution of \$3,250. I will leave that open
2 for a period of 90 days in case the U.S. Attorney's office
3 determines that the victims have additional restitution they
4 didn't know about as of today.

5 With the supervision, should Defendant be released
6 from incarceration, I will impose a special condition of
7 mental health evaluation and treatment; the Defendant not --
8 the Defendant permit Probation to have access to his
9 personal computer; that he participate in a sex offender
10 treatment program; that he not possess electronic devices
11 capable of taking photographs, videos, or text messages;
12 that he be prohibited from using or accessing a computer for
13 the purpose of accessing, downloading, or receiving
14 pornographic material; that he submit to a search in the
15 event of a suspicion of contraband or violation of his
16 conditions of supervision; that he not have any contact with
17 minor males under the age of 18, unless in the presence of
18 an adult, responsible adult; that he not affiliate with any
19 organization or voluntary activities that would place him in
20 regular contact with minor males under the age of 18; that
21 'til such time as his restitution obligation is met, that he
22 provide the probation officer and the Financial Litigation
23 Unit of the U.S. Attorney's office with access to any
24 requested financial information; that any income tax
25 refunds, lottery winnings, judgments, unexpected financial

1 gains be applied to his financial obligations; that he
2 forfeit interest in the I-Phone and the computer.

3 Before I formally impose sentence, Mr. Gabel -- I
4 understand you're not at all in agreement with my sentence,
5 but do you believe I addressed your mitigating -- your
6 arguments in mitigation, both those you made orally and
7 those you made in writing?

8 MR. GABEL: Your Honor, you addressed them. I
9 disagree with your outcome.

10 THE COURT: I understand. Do you have any
11 objection to the special conditions I've proposed to apply
12 for supervised release?

13 MR. GABEL: No, Your Honor.

14 THE COURT: Ms. Summers, do you have any additional
15 conditions that you believe I should have considered?

16 MS. SUMMERS: No, Your Honor.

17 THE COURT: Very well. I will proceed with the
18 formal imposition of sentence then as follows:

19 The Court, having considered all of the information
20 in the Presentence Report, including the guideline
21 computations and the factors set forth in 18 United States
22 Code, Section 3553(a), and pursuant to the Sentencing Reform
23 Act of 1984, it is the judgment of the Court that the
24 Defendant, Christopher Michael Horton, is hereby committed
25 to the custody of the Bureau of Prisons to be imprisoned for

1 a term of 360 months on Counts 1 and 2, 360 months on
2 Counts 3 and 4, 360 months on Count 5, all such terms to run
3 consecutively; 360 months on count six, to run concurrent
4 with Counts 1 through 5, for a total term of 1,080 months.

5 It's ordered Defendant shall pay the United States
6 a Special Assessment of \$600, payable through the Clerk of
7 the United States District Court. It's ordered Defendant
8 make restitution in the amount of \$3,250 to the following
9 payees. The payments will be made directly to the Clerk of
10 the United States District Court who will then forward the
11 payments to the payees. Payees will be -- I'm not going to
12 state their name here in open court, but the parents of
13 Minor 1 in the amount of \$400; parents of Minor 2 in the
14 amount of \$500; parents of Minor 3 in the amount of \$1,700;
15 parents of Minor 4 in the amount of \$650. The restitution
16 is due immediately. Defendant's required to notify the
17 court and the Attorney General of any material change in his
18 economic circumstances that would affect his ability to pay
19 restitution. Defendant shall notify the United States
20 Attorney for this district within 30 days of any change of
21 mailing or residence that occurs while any portion of the
22 restitution remains unpaid. Court finds that Defendant does
23 not have the ability to pay interest and it is waived.

24 Further ordered that a fine in this case is waived.

25 Further ordered Defendant shall notify the United

1 States Attorney for this district within 30 days of any
2 change of name, residence, or mailing address until all
3 fines restitution -- I'm sorry, until all restitution and
4 Special Assessments imposed by this judgment are fully paid.
5 Having assessed the Defendant's ability to pay, payment of
6 the total criminal monetary penalties shall be paid in equal
7 monthly installments of \$25, or 10 percent of his net
8 monthly income, whichever's greater. Defendant shall pay
9 any financial penalty that is imposed by this judgment that
10 remains unpaid at the commencement of the term of supervised
11 release.

12 Upon release from imprisonment the Defendant shall
13 be placed on supervised release for a term of life on all of
14 Counts 1 through 6, all terms to run concurrently. Within
15 72 hours of release from the custody of the Bureau of
16 Prisons the Defendant shall report in person to the
17 United States Probation Office in the district to which he's
18 released.

19 While on supervised release, the Defendant shall
20 comply with the following mandatory conditions: Defendant
21 shall not commit another federal, state, or local crime.
22 Defendant shall not unlawfully possess a controlled
23 substance and shall refrain from the unlawful use of a
24 controlled substance. As there is no indication of recent
25 substance abuse, the Court suspends mandatory drug testing.

1 Defendant shall not possess a firearm, ammunition,
2 destructive device, or other dangerous weapon. Defendant
3 shall cooperate in the collection of DNA as directed by the
4 probation officer. Defendant shall pay any fines or
5 restitution in accordance with the schedule, and that should
6 be just restitution in accordance with the schedule of
7 payments as ordered by the Court. Defendant shall comply
8 with the requirements of the Sex Offender Registration and
9 Notification Act as directed by the probation office, the
10 Bureau of Prisons, or any state offender registration agency
11 in which he or -- in which he resides, works, is a student,
12 or was convicted of a qualifying offense. Defendant must
13 comply with the standard conditions that have been adopted
14 by the Court, as well the following additional special
15 conditions:

16 Due to concerns related to the Defendant's mental
17 health, the Defendant shall participate in a program of
18 mental health treatment, which may include cognitive skills
19 or other forms of therapy or counseling that may be
20 recommended as directed by the probation officer. This may
21 include a mental health assessment and/or psychiatric
22 evaluation. This may require participation in a medication
23 regimen prescribed by a licensed practitioner at the
24 direction of the probation officer. Defendant shall pay for
25 the costs associated with services rendered based on a

1 Court-approved sliding fee scale as directed by the
2 probation officer. Defendant's financial obligation shall
3 never exceed the total cost of services rendered.

4 Based on the nature of the offense and -- the
5 offense and Defendant's history, the Defendant shall permit
6 the probation officer to have access to any personal
7 computer and/or electronic device capable of accessing the
8 internet, worldwide web, or electronic mail. Defendant
9 shall also allow the probation officer or designee searches
10 of his computer and/or electronic device using software
11 monitoring devices if determined necessary by the probation
12 officer. Defendant shall advise the probation officer of
13 all e-mail addresses used on both public and private
14 computers. Defendant shall consent to third-party
15 disclosure to any employer or potential employer concerning
16 any computer-related restrictions that may be imposed.
17 Defendant shall inform other residents or occupants of his
18 home that computer systems accessed by the Defendant will be
19 subject to inspection by the probation officer and/or
20 authorized contractor.

21 Defendant shall participate in approved sex
22 offender treatment program as directed by the probation
23 officer. If deemed necessary, the Defendant shall submit to
24 an approved sexual predator evaluation as directed by the
25 probation officer. Defendant shall abide by all rules,

1 requirements, and conditions of the treatment program,
2 including submission to polygraph and/or plethysmograph
3 examination to determine compliance with conditions of
4 release. Defendant shall remain in the program until
5 successfully completed or until such time as the Defendant
6 is released from the program by the Court and/or probation
7 officer. Defendant shall pay for the costs associated with
8 services rendered based on a Court-approved sliding fee
9 scale as directed by the probation officer. Defendant's
10 financial obligation shall never exceed the total cost of
11 services rendered.

12 Defendant shall not possess or use electronic
13 devices capable of taking photographs or videos. He shall
14 not subscribe to any text messaging services. Defendant
15 shall be prohibited from using or accessing the computer for
16 the purpose of accessing, downloading, transferring, and/or
17 receiving pornographic material.

18 Due to the nature of the offense, the Defendant's
19 history, he shall submit to a search at any time, with or
20 without a warrant, and by any law enforcement or probation
21 officer of the Defendant's person property, house,
22 residence, vehicle, papers, computer, other electronic
23 communication or data storage devices or media, and effects
24 upon reasonable suspicion concerning a violation of a
25 condition of supervision or unlawful conduct by the

1 Defendant or by any probation officer in the lawful
2 discharge of the officer's supervision functions. Failure
3 to submit to a search may be grounds for revocation.
4 Defendant shall inform any other residents that the premises
5 may be subject to a search pursuant to this condition.

6 Based on the nature of the offense and Defendant's
7 history, he shall not have any contact with minor males
8 under the age of 18, unless in the presence of a responsible
9 adult who is aware of the nature of Defendant's background
10 and instant offense, and who has been approved by the
11 probation officer. The Defendant shall not affiliate with,
12 own, control, or be employed in any capacity by a business
13 organization and/or voluntary activity that causes him to
14 directly contact minor males under the age of 18.

15 Defendant shall provide the probation officer and
16 the Financial Litigation Unit of the United States
17 Attorney's Office with access to any requested financial
18 information. Defendant's advised that the probation office
19 may share financial information with the Financial
20 Litigation Unit. Defendant shall apply all monies received
21 from income tax refunds, lottery winnings, judgments, and
22 any other anticipated or unexpected financial gains to the
23 outstanding Court-ordered financial obligation. Defendant
24 shall immediately notify the probation officer of the
25 receipt of any indicated monies.

1 In addition to the sentence imposed, the Defendant
2 shall forfeit interest in the following property to the
3 United States: Apple I-Phone contained in a red and black
4 Griffin protective case; a SATA 120 gigabyte Western Digital
5 Hard Drive Mode; an IDE 20 gigabyte Hitachi Hard Drive; and
6 an Alienware laptop with unknown make/model hard drive
7 and/or internal memory with the markings of "Made in China"
8 and an embroidered nameplate displaying the words, "Built
9 for Chris Horton (NINJA)".

10 Sentence is within the guideline range which does
11 not exceed 24 months, and the Court finds no reason to
12 depart from the sentence called for by the application of
13 the guidelines.

14 Mr. Horton, you can appeal your conviction if you
15 believe your guilty plea was somehow unlawful, involuntary,
16 or if there's some other fundamental defect in the
17 proceedings not waived by your guilty plea. You also have a
18 statutory right to appeal your sentence under certain
19 circumstances, particularly if you think the sentence is
20 contrary to law. With few exceptions, any notice of appeal
21 must be filed within 14 days of judgment being entered in
22 your case. If you're unable to afford the services of an
23 attorney to handle an appeal, counsel will be appointed for
24 you. If you cannot afford it, a transcript of the record in
25 the case will be prepared for such appeal at Government's

1 expense. The Clerk of the Court can and will file a Notice
2 of Appeal on your behalf. They don't do that automatically,
3 Mr. Horton; they only do that if you specifically and
4 directly ask them to do that.

5 Do you have any questions about your appeal rights,
6 Mr. Horton?

7 MR. GABEL: Your Honor, I'm going to be filing an
8 appeal, my office.

9 THE COURT: Very well. Anything else I need the
10 talk about, Melissa?

11 PROBATION OFFICER: No, sir.

12 THE COURT: Sara?

13 COURTROOM DEPUTY: No, sir.

14 MR. GABEL: Your Honor, one last thing. Would ask
15 that you recommend Marion for my client's assignment.

16 THE COURT: I assumed you'd be doing that.
17 Ms. Summers, anything else?

18 MS. SUMMERS: Nothing further, Your Honor.

19 THE COURT: Very well, we stand adjourned.

20 **(Court adjourned)**

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REPORTER'S CERTIFICATE

I, Laura A. Blatz, RPR, Official Court Reporter for the U.S. District Court, Southern District of Illinois, do hereby certify that I reported in shorthand the proceedings contained in the foregoing 96 pages, and that the same is a full, true, correct, and complete transcript from the record of proceedings in the above-entitled matter.

Dated this 3rd day of April, 2014.

LAURA A. BLATZ, RPR